JOURNAL
OF
COMPARATIVE LEGISLATION
AND
INTERNATIONAL LAW

EDITED FOR
THE SOCIETY OF COMPARATIVE LEGISLATION
BY
Sir ARNOLD McNAIR, K.C., C.B.E., F.B.A., LL.D.
ASSISTED BY
Professor H. C. GUTTERIDGE, K.C., LLD.

AND THE
REVIEW OF LEGISLATION
EDITED BY
Sir CECIL T. CARR, K.C., LL.D.

THIRD SERIES VOL. XXVIII

LONDON:
SOCIETY OF COMPARATIVE LEGISLATION
26, OLD BUILDINGS, LINCOLN'S INN, LONDON, W.C.2
1946

[*All Rights reserved*]

JOURNAL

OF

COMPARATIVE LEGISLATION

AND

INTERNATIONAL LAW

REVIEW OF LEGISLATION

EDITED FOR

THE SOCIETY OF COMPARATIVE LEGISLATION

BY

Sir CECIL T. CARR, K.C., LL.D.

> Let observation, with extensive view,
> Survey mankind from China to Peru.
>
> SAMUEL JOHNSON.

THIRD SERIES VOL. XXVIII PARTS I & II

LONDON:
SOCIETY OF COMPARATIVE LEGISLATION,
26, OLD BUILDINGS, LINCOLN'S INN, LONDON, W.C.2
1946

[All Rights reserved]

a*

All communications to be addressed to the Hon. Editor,
26, Old Buildings, Lincoln's Inn, W.C.2
The Annual Subscription to the Society is one guinea. (Canada and U.S.A. $5)

Printed in Great Britain by
Hazell, Watson & Viney, Ltd., London and Aylesbury

TABLE OF CONTENTS

PAGE

PRESIDENT, COUNCIL AND COMMITTEE v

CONTRIBUTORS vii

HONORARY MEMBERS AND SUBSCRIBERS viii

ANNUAL REPORT xviii

ACCOUNTS xx

INTRODUCTION TO REVIEW OF LEGISLATION xxi

Contributed by Sir Cecil T. Carr, K.C., LL.D.

I. BRITISH ISLES—

1. United Kingdom. Sir Cecil T. Carr 1
2. Northern Ireland. W. A. Leitch, Esq. 15
3. Isle of Man. His Honour R. D. Farrant 23
4. Eire. A. Denis Pringle, Esq. 24

II. NORTH AMERICA—

1. Dominion of Canada. James Francis, Esq. 28
2. Alberta 40
3. British Columbia. J. P. Hogg, Esq., K.C. 49
4. Manitoba. G. S. Rutherford, Esq. 51
5. New Brunswick 58
6. Nova Scotia. C. L. Beazley, Esq. 60
7. Ontario. K. G. Morden, Esq. 67
8. Prince Edward Island. 68
9. Quebec. The Hon. Mr. Justice Fabre Surveyer 69
10. Saskatchewan. J. P. Runciman, Esq. 73
11. Newfoundland. H. G. Puddester, Esq. 79
12. Bermuda. E. T. Richards, Esq. 80

III. AUSTRALIA—

1. Commonwealth of Australia. Sir George S. Knowles . . . 81
2. New South Wales 86
3. Queensland. J. E. Broadbent, Esq. 86
4. South Australia. E. L. Bean, Esq. 117
5. Tasmania. 122
6. Victoria. S. H. Z. Woinarski, Esq. 122
7. Western Australia. J. L. Walker, Esq. 127

IV. NEW ZEALAND. J. Christie, Esq. 194

V. WESTERN PACIFIC—

1. Fiji 198
2. Gilbert and Ellice Islands. H. E. Maude, Esq. 199
3. Solomon Islands. H. E. Maude, Esq. 199
4. Kingdom of Tonga. C. W. T. Johnson, Esq. 200
5. New Hebrides 201

VI. SOUTH AFRICA—

1. Union of South Africa 201
2. Cape of Good Hope. A. J. Pienaar, Esq. 201
3. Natal 204
4. Orange Free State. F. W. A. Gray, Esq. 205
5. Transvaal 207
6. Northern Rhodesia 207
7. Southern Rhodesia 207

PAGE

VII. BRITISH INDIA AND BURMA—

1. Central Legislature. S. B. Capoor, Esq. 207
2. Madras. M. Ramachandra Rao, Esq. 213
3. Bombay. P. W. Moos, Esq. 214
4. Bengal. Sir Lancelot Graham 216
5. United Provinces. Sir Lancelot Graham 216
6. Punjab. Sir Lancelot Graham 217
7. Bihar. Rai Bahadur N. C. Ray 217
8. Central Provinces and Berar. Sir Lancelot Graham . . . 219
9. Assam. Sir Lancelot Graham 219
10. North West Frontier Provinces. Sir Lancelot Graham . . 220
11. Orissa. Sir Lancelot Graham 220
12. Sind. Sir Lancelot Graham 222
13. Coorg 222

VIII. EASTERN COLONIES—

1. Ceylon. 223
2. Aden 223
3. Mauritius 223

IX. WEST AFRICA—

1. Gambia 223
2. Gold Coast. Raymond Brown, Esq. 224
3. Nigeria 224
4. Sierra Leone 224

X. EAST AFRICA—

1. Kenya. Hon. T. A. Brown 225
2. Nyasaland Protectorate 227
3. Somaliland Protectorate. Major Paterson 228
4. Tanganyika Territory. H. H. Kingsley, Esq. 228
5. Uganda Protectorate 229
6. Zanzibar 229
7. Sudan. C. C. G. Cumings, Esq. 229

XI. SOUTH ATLANTIC—

1. British Guiana. A. C. Brazao, Esq. 230
2. British Honduras 231
3. Falkland Islands 232
4. St. Helena 233

XII. WEST INDIES—

1. The Bahamas 233
2. Barbados 233
3. Jamaica 233
4. Leeward Islands 233
5. Windward Islands—
   (i) Grenada 233
   (ii) St. Lucia 233
   (iii) St. Vincent. S. J. Bain, Esq. 234
6. Trinidad and Tobago 235

XIII. MEDITERRANEAN—

1. Gibraltar. A. McKisack, Esq. 236
2. Cyprus. Hon. Stelios Pavlides, K.C. 236
3. Malta. J. M. Ganado, Esq., B.A. 238

XIV. MIDDLE EAST—

1. Palestine 243
2. Trans-Jordan. A. L. Gardiner, Esq. 243

PRESIDENT:

The Rt. Hon. S. M. Bruce, C.H., M.C.

CHAIRMAN OF THE EXECUTIVE COMMITTEE:

The Rt. Hon. Lord Macmillan of Aberfeldy, G.C.V.O.

VICE-CHAIRMAN:

Sir Lynden Macassey, K.B.E., K.C.

COUNCIL:

The Rt. Hon. L. C. M. S. Amery, M.P., formerly Secretary of State for the Dominions and for the Colonies.

Sir Algernon Aspinall, K.C.M.G., C.B.E.

W. E. Beckett, Esq., K.C., Legal Adviser to the Foreign Office.

The Rt. Hon. Viscount Bennett.

Sir W. Bernard Blatch, Solicitor to the Inland Revenue.

The Rt. Hon. S. M. Bruce, C.H., M.C., High Commissioner for Australia, *President*.

J. A. Calder, Esq., Senior Crown Agent for the Colonies.

Sir Cecil T. Carr, LL.D.

Professor G. C. Cheshire, D.C.L., Vinerian Professor of English Law.

James Christie, Esq., C.M.G., LL.M., formerly Counsel to the Law Drafting Office, New Zealand.

The Rt. Hon. Winston S. Churchill, C.H., M.P.

The Hon. Mr. Justice Cohen.

The Rt. Hon. Sir Joseph Cook, G.C.M.G., formerly High Commissioner for Australia.

The Rt. Hon. Lord Cooper.

M. Dareste, Membre de l'Institut de France.

Clement Davies, Esq., K.C., M.P.

Neville Dixey, Esq., formerly Chairman of Lloyd's.

Sir Oscar Dowson, C.B.E., Legal Adviser to the Home Office.

Sir Harold Duncan, K.C.M.G.

The Hon. Mr. Justice Feetham, C.M.G., M.L.A., Judge of the Appeal Court of South Africa.

Sir R. R. Garran, K.C.M.G., formerly Solicitor-General of the Commonwealth of Australia.

F. M. Goadby, Esq., D.C.L.

Sir H. C. Gollan, C.B.E., K.C., formerly Chief Justice of Hong Kong.

Martin Hill, Esq., Joint Secretary, Liverpool Steam Ship Owners' Association.

Sir Cecil Hurst, G.C.M.G., K.C.B., K.C., LL.M., Vice-President of the Permanent Court of International Justice.

F. N. Keen, Esq.

Sir Kenneth Kemp, Legal Adviser to the India Office.

The Hon. Mr. Justice Korsah, C.B.E.

Sir Stephen P. Low, Solicitor to the Board of Trade.

Sir Lynden Macassey, K.B.E., K.C.

The Rt. Hon. Lord Macmillan, G.C.V.O.

Sir Arnold D. McNair, C.B.E., K.C., LL.D., Judge of the International Court.

The Rt. Hon. Vincent Massey, High Commissioner for Canada.

The Hon. Mr. Justice Northcroft.

The Rt. Hon. Lord du Parcq.

The Rt. Hon. J. S. C. Reid, K.C.

The Hon. Thibaudeau Rinfret, Chief Justice of Canada.

Sir J. S. Risley, K.C.M.G., C.B., K.C., formerly Legal Adviser to the Colonial Office and Dominions Office.

COUNCIL:

The Rt. Hon. Sir Tej Bahadur Sapru, K.C.S.I., LL.D., formerly Legal Member of the Council of the Viceroy of India.

Sir John Houldsworth Shaw, formerly Solicitor to the Inland Revenue.

The Rt. Hon. the Viscount Simon, G.C.S.I., G.C.V.O., D.C.L., LL.D., formerly Lord High Chancellor of Great Britain.

Lord Sinha.

The Hon. Mr. Justice Fabre-Surveyer, Judge of the Supreme Court, Quebec.

The Rt. Hon. G. R. Thomson, K.C., M.P., Lord Advocate.

Professor E. C. S. Wade, LL.D., Downing Professor of the Laws of England.

The Hon. Sir Edgar Walton, K.C.M.G., formerly High Commissioner for South Africa.

F. P. Walton, Esq., LL.D.

EXECUTIVE COMMITTEE:

Sir Algernon Aspinall, K.C.M.G., C.B.E.
W. E. Beckett, Esq., K.C.
Sir W. Bernard Blatch.
J. A. Calder, Esq.
Sir Cecil T. Carr, K.C., LL.D.
Lucius F. Crane, Esq.
Sir Harold Duncan, K.C.M.G.
F. M. Goadby, Esq., D.C.L.
D. H. J. Hartley, Esq.
Sir Cecil Hurst, G.C.M.G., K.C.B., K.C.
J. E. James, Esq.
F. N. Keen, Esq.
Sir Kenneth Kemp.
Sir Stephen P. Low.
R. A. Lynex, Esq.
Sir Lynden Macassey, K.B.E., K.C., *Vice-Chairman.*
The Rt. Hon. Lord Macmillan, G.C.V.O., *Chairman.*
Sir Arnold D. McNair, C.B.E., K.C., LL.D.,
C. K. Meek, Esq., D.Sc.
Richard O'Sullivan, Esq., K.C.
Professor D. Hughes Parry.
Sir J. S. Risley, K.C.M.G., C.B., K.C.
Professor E. C. S. Wade, LL.D.
F. P. Walton, Esq., LL.D.

HONORARY EDITORS:

Sir Arnold D. McNair, C.B.E., F.B.A., LL.D. and Sir Cecil T. Carr, K.C., LL.D., assisted by Professor H. C. Gutteridge, K.C., LL.D.

HONORARY SECRETARY:

C. E. A. Bedwell, Esq.

Correspondence in reference to contributions to the Society's Journal should be addressed to the Hon. Editors, and all other communications to the Hon. Secretary at 26, Old Buildings, Lincoln's Inn, London, W.C.2.

CONTRIBUTORS

The thanks of the Committee are offered to the following:—

(*a*) Contributors to the *Journal*: R. F. Bailey, Esq.; C. E. A. Bedwell, Esq.; Professor N. Bentwich; Colonel H. Bown; Sir Cecil T. Carr; H. Chatfield, Esq.; M. Domke, Esq.; A. N. Doorly, Esq.; The Hon. R. D. Farrant; Professor M. F. Fisher; J. C. Gardner, Esq.; R. H. Graveson, Esq.; F. N. Keen, Esq.; Sir Kenneth Kemp; R. A. Lynex, Esq.; Lord Macmillan; Sir Arnold D. McNair; C. K. Meek, Esq.; Dr. W. P. Morrell; Griffith Price, Esq.; A. G. P. Pullan, Esq.; the late Sir Arthur Quekett; the late Sir George Rankin; B. C. Richardson, Esq.; M. Sarfatti, Esq.; Professor H. A. Smith; Professor J. Willis.

(*b*) Contributors to the Summaries of Legislation: S. J. Bain, Esq.; E. L. Bean, Esq.; C. L. Beazley, Esq.; W. E. Bentley, Esq.; A. C. Brazao, Esq.; J. E. Broadbent, Esq.; Hon. T. A. Brown; Raymond Brown, Esq.; Sir Cecil T. Carr; J. Christie, Esq.; His Honour R. D. Farrant; James Francis, Esq.; A. L. Gardiner, Esq.; F. W. A. Gray, Esq.; J. P. Hogg, Esq.; W. Ivor Jennings, Esq.; C. W. T. Johnson, Esq.; H. H. Kingsley, Esq.; Sir George S. Knowles; H. E. Maude, Esq.; A. McKisack, Esq.; P. W. Moos, Esq.; P. Appu Nair, Esq.; Major Paterson; Hon. Stelios Pavlides; A. J. Pienaar, Esq.; A. Denis Pringle, Esq.; H. G. Puddester, Esq.; the late Sir Arthur S. Quekett; S. A. Rahman, Esq.; Rai Bahadur N. C. Ray; E. T. Richards, Esq.; J. P. Runciman, Esq.; G. S. Rutherford, Esq.; The Hon. Mr. Justice Fabre Surveyer; S. H. Z. Woinarski, Esq.

HONORARY MEMBERS AND SUBSCRIBERS

SOCIETY OF COMPARATIVE LEGISLATION

HONORARY MEMBERS

The Hon. Mr. Justice Buchanan.
J. D. Falconbridge, Esq., K.C.
Sir R. R. Garran, G.C.M.G.
G. Hartog, Esq.
Dr. A. de Mello.
F. P. Walton, Esq., LL.D.

LIST OF SUBSCRIBERS

(†Life members)

Aberdeen University Library (per D. Wyllie & Son).
Aberystwyth University Library (per Sydney V. Galloway).
Adelaide University Library (per D. Nutt).
Alberta, Deputy Attorney-General (per Canada Law Book Co.).
Alberta Law Society.
Alberta University (per Dawson & Sons, Ltd.).
Algiers University Library (per British Council).
Aligarh, Muslim University (per B. H. Blackwell, Ltd.).
All Souls College Library, Oxford.
Allahabad Advocates Association.
Allahabad University Library (per B. H. Blackwell, Ltd.).
Allison, J. S. (Pretoria).
American Bar Association.
American Law Institute, W. Draper Lewis, Director (*Corresponding Member*).
Amherst College Library, U.S.A. (per G. E. Stechert & Co.).
Anderson, W. B. (per J. & E. Bumpus, Ltd.).
Andhra University Library, Guntur (per B. H. Blackwell, Ltd.).
Annamalai University Library, S. India.
Antonopoulos, D.
Apelbom, A. M. (Palestine) (W. H. Smith & Son).
Arabian-American Oil Co. (per International News Co.).
A.R.C. Field Station (per H.M. Stationery Office).
Archdale, Miss H. E.
Archibald, J. G.
Argentina, Colegio de Escribanos (per British Council).
Aspinall, Sir Algernon.
Assam, Secretary to the Legislative Council.
Athenæum Club (per James Bain).
Australia, Commonwealth of. (5)
Australia, Commonwealth National Library.
Australia, Department of External Affairs.
Australia, Crown Solicitor's Office.

Bahamas, Registrar-General (per Crown Agents).
Bailey, R. F.
Ball, F. N.
Balogh, Professor Elemer (Johannesburg).
Baltimore Bar Library (per The Carswell Co., Ltd.).
Bangalore Legislative Council (per Wm. Dawson & Sons).
Bar Library (per Wildy & Sons).
Barbados, Colonial Secretary (2) (per Crown Agents).
Barcelona, Colegio de Abagados (Biblioteca).

Baroda, Registrar (per W. H. Smith & Sons).
Baroda Legal Remembrancer (per W. H. Smith & Sons).
†Baty, T. (Japan).
Beckett, W. E.
Belgian Ministry of Justice.
Belgium, Bibliotheque Royale. (5)
Benares Hindu University (per The Technical Bookshop).
Bengal Legislative Assembly.
Bennett, The Rt. Hon. Viscount.
Bermuda, Colonial Secretary (5) (per Crown Agents).
Biddle Law Library, Pennsylvania.
Bihar and Orissa, Legislative Library.
Bingen, E. A.
Birdwood Law Library, Sind.
Birmingham Law Society.
Birmingham Public Library (per Cornish Bros., Ltd.).
Birmingham University Library (per Cornish Bros., Ltd.).
Blanesburgh, The Rt. Hon. Lord.
Blatch, Sir W. Bernard.
Blum, René.
Board of Trade (per H.M. Stationery Office).
Bombay, Government of. (7)
Bombay High Court Law Library (per N. M. Tripathi & Co.).
Boston Public Library (per G. E. Stechert & Co.).
Boszormenyi, A.
Brazil, Rio de Janeiro, Ministry of Foreign Affairs (per Harrison & Sons, Ltd.).
Breslauer, Walter.
Brierly, Professor, J. L.
Bristol University.
British Columbia Provincial Library.
British Columbia University Library.
British Council Export Publications Dept. (7)
British Council Legal Department.
British Guiana, Attorney-General (per Crown Agents).
British Guiana, Colonial Secretary (4) (per Crown Agents).
British Honduras, Attorney-General (per Crown Agents).
British Social Hygiene Council.
British West Indies, Antigua (per Crown Agents).
Brodie, J.
Brussels, Office International de Librairie, S.P.R.L.
Buffalo University School of Law (per The Carswell Co., Ltd.).

Cairo, Library of the School of French Law (per British Council).
Calcutta High Court, Appellate side (per Dawson & Sons, Ltd.).
Calcutta University (per Macmillan & Co.).
Calcutta University Law College.
Calder, J. A. (per Crown Agents).
Caldwell, J. F.
California State Library (per Moore-Cottrell Subscription Agencies, Inc.).
California University Library (per Stevens & Brown).
California University Library, Southern Branch (per Stevens & Brown).
Campbell, Professor, A. H.
Canada, Department of External Affairs.
Canada, Department of Labour.
Canada, House of Commons, Law Branch (per Canada Law Book Co.).
Canada, Library of Parliament, Ottawa (per Allen & Son, Ltd.).
Canada, Supreme Court, Ottawa (per Sweet & Maxwell, Ltd.).
Canada, Under-Secretary of State. (2)
Canadian Bar Association.
Canterbury District Law Society, New Zealand (per Stevens & Sons, Ltd.).

Canterbury University College, New Zealand (per B. H. Blackwell, Ltd.).
Canty, F. T. G.
Cape of Good Hope Incorporated Law Society (per Walker Bros.).
Cape Town Public Library (per Darter Bros. & Co.).
Cape Town University (per B. H. Blackwell, Ltd.).
Cardiff Central Library.
Carnegie Endowment for International Peace (Washington) (per Stevens & Brown).
Carpmael, Kenneth.
Carr, Sir Cecil T.
Carswell Co.
†Carter, Sir E. Bonham.
Causer, D. S.
Central Provinces and Berar, Legal Remembrancer.
Ceylon, Clerk of the State Council (per Crown Agents).
Ceylon, Legal Draftsman (per Crown Agents).
Cheshire, Professor G. C.
Chicago Bar Association (per N. A. Phemister Co.).
Chicago Law Institute (per Sweet & Maxwell, Ltd.).
Chicago University Law Library (per Carswell Co.).
Chicago University Library (per G. E. Stechert & Co.).
Chungking, British Embassy (6) (per British Council).
Chungking, Law School of Soochow University (per British Council).
Cincinnati Law Library (per The W. H. Anderson Co.).
Clark University Library (Massachusetts) (per G. E. Stechert & Co.).
Cleveland Law Library Association (per The Carswell Co., Ltd.).
Clough, Owen (Cape, S. Africa).
Cochin High Court.
Cochin, Huzur Secretariat Library.
Cohen, John.
Cohen, The Rt. Hon. Lord Justice.
Cohn, Ernst J.
Cohn, H. (Palestine).
Colombia, Señor Ministro de Relaciones Exteriores.
Colombos, C. J.
Colonial Office (2) (per H.M. Stationery Office).
Commerce Clearing House (Chicago).
Conference of Allied Ministers of Education. (5)
Congress Library, Washington (2) (per Allen & Son, Ltd.).
Congress Library, Washington (per G. E. Stechert & Co.).
Connecticut College Library (per F. W. Faxon Co.).
Connecticut State Library (per F. W. Faxon Co.).
Cooper, The Rt. Hon. Lord.
Cordova, J. H. A. P. de.
Cornell University Law Library (per Sweet & Maxwell, Ltd.).
Cornell University Library (per Allen & Son, Ltd.).
Cowen, Z. (Australia) (per Sweet & Maxwell, Ltd.).
Crane, L. F.
Cuba, Biblioteca del Colegio de Abogados (per British Council).
Cyprus, Colonial Secretary (3) (per Crown Agents).
Czechoslovak Ministry of Justice.

Dacca University Library (per B. H. Blackwell, Ltd.).
Daily Express.
Dalhousie University Law School (per The Carswell Co., Ltd.).
Danish Legation.
Dartmouth College Library (per F. W. Faxon Co.).
Davies, E. Clement.
Dehn, C. G.
Delhi University (per B. H. Blackwell, Ltd.).
Dickson, The Hon. A. R. (B.W.I.).
Dowson, Sir Oscar.

Drost, P. N.
Duff, The Rt. Hon. Sir L. P.
Duffy, Mr. Justice Gavan.
Duke University School of Law (per The Carswell Co., Ltd.).
Duncan, Sir Harold.
du Parcq, Rt. Hon. Lord.

Earle Law College (Gauhati, India) (per Butterworth & Co., Ltd.).
Eastwood, A. (Iraq).
Edinburgh University (per J. Thin).
Egypt, Cour D'Appel Mixte.
Egypt, Ministry of Justice.
Eichelgruen, G. (Palestine) (per Sweet & Maxwell, Ltd.).
Eire, Attorney-General's Department (per Stationery Office, Dublin).
Eire, Department of External Affairs (per Stationery Office, Dublin).
Eire, Oireachtas Library (per Stationery Office, Dublin).
Ellwood, L. A.
Emmett, Professor E. (Cape Town) (per Sweet & Maxwell, Ltd.).

Faculty of Procurators, Glasgow (per John Wylie & Co.).
Fairfield, Dr. L. D.
Farnsworth, A.
Farouk 1st University (Egypt).
Feetham, The Hon. Mr. Justice R. (South Africa).
Fiji, Colonial Secretary (per Crown Agents).
Finkelman, J. (Toronto).
Finland, State Parliamentary Library (per Akateeminen Kitjakauppa).
FitzGerald, S. Vesey.
Fletcher, Dr. E. G. M.
Florence Institute (per British Council).
Foreign Office Library (per H.M. Stationery Office).
Fox, Harold G.
France, Bibliotheque de la Faculte de Droit (per A. Wilson, Ltd.).
France, Service de Législation étrangère au Ministère de la Justice.
France, Société de Legislation Comparée.
Fritze's Bokhandel (per Dawson & Sons, Ltd.).
Fuad 1st University (Egypt).

Gahan, Frank.
Gardiner, A. L. (Trans-Jordan).
Gardner, J. C.
Gates, Sir Frank.
Georgia State Library (per F. W. Faxon Co.).
Gibraltar, Attorney-General (per Crown Agents).
Gladden, E. N.
Glasgow University (per Jackson, Son & Co.).
Goadby, F. M.
Goitein, H.
Gold Coast Colony, Chief Commissioner.
Gold Coast, Attorney-General (per Crown Agents).
Gold Coast, Chief Registrar, Accra (per Crown Agents).
Gold Coast, Colonial Secretary (5) (per Crown Agents).
Goodhart, Professor A. L.
Gottschalk, Dr. R. (Palestine).
Graham-Harrison, Sir W. M.
Grant, M. (Turkey) (6) (per British Council).
Graveson, Ronald H.
Greece, British Council Representative (per British Council).
†Greene, W. S. Clayton.
Grenada, Attorney-General (2) (per Crown Agents).
Grigs, G. F.
Gutteridge, Professor H. C.

Haberer, C. F.
Hagavoah, Beit Hasefer (Palestine) (per British Council).
Hartley, D. H. J.
Harvard College Library (per Allen & Son, Ltd.).
Harvard University Law School.
Hazareesingh, K.
Hazelton, S. G.
Herchenroder, M. F. P.
Highton, C. J.
Hill, Martin.
Home Office (per H. M. Stationery Office).
Hong Kong University (per Longmans, Green & Co.).
Hopewell, A.
House of Commons Library (per H.M. Stationery Office).
House of Lords Library (per H.M. Stationery Office).
Howard League for Penal Reform.
Hull University College.
Hyderabad, Registrar H.E.H. the Nizam's Court.

Idelson, V. R.
Illinois Supreme Court Library (per N. A. Phemister Co.).
Illinois University Library (2) (per G. E. Stechert & Co.).
India, Department of Labour (per Dawson & Sons, Ltd.).
India, High Commissioner for.
India, Legislative Assembly (per Gordon & Gotch, Ltd.).
India, Legislative Department (per Dawson & Sons, Ltd.).
India Office (per H.M. Stationery Office).
Indian Institute of International Affairs (per A. Probsthain & Co.).
Indiana State Library (per Moore-Cottrell Sub. Agencies Inc.).
Indiana University Library (per F. W. Faxon Co.).
Inland Revenue (per H.M. Stationery Office).
Inland Revenue, Statistics Branch (per H.M. Stationery Office).
Inner Temple, Librarian (per Sweet & Maxwell, Ltd.).
International Labour Office.
Iowa State Law Library (per The Carswell Co.).
Iowa University Law Library (per The Carswell Co.).
Iraq, Ministry of Justice.
Iraq, Law College, Baghdad.
Iraq, Lawyers Club (per British Council).
Italy, British Council Representative (2) (per British Council).

Jackson, T.
Jamaica, Attorney-General (per Crown Agents).
Jamaica, Colonial Secretary (5) (per Crown Agents).
James, J. E.
Jenks, C. W.
Jennings, W. Ivor.
Jerusalem, British Council Library (per British Council).
Jewish Bar Association.
Jewish National University Library (per British Council).
Johannesburg Public Library.
John Crerar Library (per F. W. Faxon Co.).
Johns Hopkins University Library (per Allen & Son, Ltd.).
Johnson, E. L.
Johnson, G. J. (per B. H. Blackwell, Ltd.).
Jolowicz, Professor H. F.
Joseph, Bernard (Jerusalem).

Kansas State Library (per Moore-Cottrell Subscription Agencies Inc.).
Kansas University (per The Carswell Co., Ltd.).

Kauffman, Dr. Alfred.
Keen, F. N.
Kemp, Sir Kenneth.
Kentucky University (per The Carswell Co.).
Kenya, Attorney-General (per Crown Agents).
Kenya, Supreme Court, Mombasa (per Crown Agents).
Kenya, Supreme Court, Nairobi (per Crown Agents).
Khartoum, Gordon College Library (per British Council).
Kindon, K. D.
King, B. E.
King's Inns Library (per Hodges, Figgis & Co.).
Korsah, The Hon. Mr. Justice (Gold Coast).
Kusnietz, Dr. Bronistav.

Lachmann, K. E. (Washington).
Lachs, Dr. Manfred.
Lahore, High Court of Judicature.
Lahore Law College.
Laskin, B. (Toronto) (per The Carswell Co., Ltd.).
Latey, W.
Lauterpacht, Professor H.
Law Book Co. of Australasia Pty., Ltd. (per Sweet & Maxwell, Ltd.).
Law Book Co. of Australasia Pty., Ltd., Brisbane (per Sweet & Maxwell, Ltd.).
Law Society. (4)
Law Society of Northern Ireland.
Lawson, F. H.
Lee, Professor R. W.
Leeds University Library (per A. R. Mowbray & Co., Ltd.).
Lehmann, V.
Lenin Library (per British Council).
Lewis, Marcus (Durban).
Lifschitz, N. (Palestine) (per W. H. Smith & Son).
Lincoln's Inn Library.
Lipstein, K.
Liverpool Public Library.
Liverpool University.
Lloyd, Major H. I. (Iraq).
London and National Society for Women's Services.
London Chamber of Commerce.
London Library.
London School of Economics.
London University.
Los Angeles County Law Library (per The Carswell Co., Ltd.).
Los Angeles Public Library (per Moore-Cottrell Subscription Agencies Inc.).
Louisiana State University (per G. E. Stechert & Co.) .
Louisiana State University Law Library (per Sweet & Maxwell, Ltd.).
Low, Sir Stephen (per Grindley & Co.).
Lucknow University Library (Law Department) (W. Heffer & Sons, Ltd.).
Lynex, R. A.
Lyons University (per Bretano's Ltd.).

Macassey, Sir Lynden.
McAllister, Judge Thomas F. (U.S.A.).
MacFarlane, Noel (Fiji).
MacGeagh, Sir Henry F.
McGill University Library (per W. H. Smith & Son, Ltd.).
MacKenzie, W. J. M.
Macmillan, The Rt. Hon. Lord.
McNair, Sir A. D.

Madras, Advocate-General (per Gordon & Gotch, Ltd.).
Madras, Chief Secretary to Government.
Madras, Connemara Public Library.
Madras, Law College (per Gordon & Gotch, Ltd.).
Madras, Legislative Council Library (per Gordon & Gotch, Ltd.).
Madras Legislature (per Gordon & Gotch, Ltd.).
Madras, Advocates Association (per Stevens & Sons, Ltd.).
Malta, Royal University (per British Council).
Malta, University of Malta Union.
Manchester Incorporated Law Library Society.
Manchester Public Library.
Manchester University.
Manitoba, Law Society (per The Carswell Co., Ltd.).
Manitoba Provincial Library.
Manitoba University (per Wm. Dawson & Sons, Ltd.).
Mann, F. A.
Massachusetts State Library (per F. W. Faxon Co.).
Mauritius Government.
Mauritius Supreme Court Library (per Crown Agents).
Meek, C. K.
Melbourne Public Library (per Sotheran & Co.).
Melbourne University (per David Nutt).
Mendelow, A. (Johannesburg).
Meyer, M.
Meyer, T. U.
Michigan State Library (per The Carswell Co., Ltd.).
Michigan University Law Library.
Michigan University Library (per Sotheran & Co.).
Middle Temple Library (per Butterworth & Co.).
Milan Institute (per British Council).
Ministry of Information (15) (per H.M. Stationery Office).
Minnesota State Library (per N. A. Phemister Co.).
Minnesota University Law Library (per Sweet & Maxwell, Ltd.).
Minnesota University Library (per G. E. Stechert & Co.).
Missouri University Library (per G. E. Stechert & Co.).
Mitchell Library, Glasgow.
Montevideo, University Law Library (per British Council).
Montreal Bar Library (per The Carswell Co., Ltd.).
Montrose, Professor, J. L.
Moore, John Bassett (New York).
Morden, K. G. (Canada).
Mysore High Court.
Mysore General and Revenue Secretariat (per W. H. Smith & Son, Ltd.).

Nebraska University Library (per Moore-Cottrell Subscription Agencies, Inc.).
Netherland Government Commission for Scientific Documentation (6) (per Wm. Dawson & Sons, Ltd.).
New South Wales, Attorney-General (per Law Book Co. of Australasia Pty., Ltd.).
New South Wales Parliamentary Library, Sydney (per Gordon & Gotch, Ltd.).
New York Bar Association (per Bankers Trust Co.).
New York Law Institute.
New York Public Library (per Stevens & Brown).
New York State Library (per G. E. Stechert & Co.).
New York University (2) (per G. E. Stechert & Co.).
New Zealand, Department of Labour.
New Zealand, Ministry of Justice.
New Zealand, University College, Auckland (per D. Nutt).
New Zealand General Assembly Library (per Street & Co., Ltd.).
New Zealand Law Society.
Newcastle Protection and Indemnity Association.

Newfoundland, Dept. of Justice (per Crown Agents).
Nigeria, Attorney-General (3) (per Crown Agents).
North Carolina, University Law Library (per Carswell Co.).
Northcroft, Mr. Justice (New Zealand).
North of England Protecting and Indemnity Association.
Northern Ireland, Ministry of Finance.
Northern Rhodesia Attorney-General (per Crown Agents).
Northern Rhodesia, Registrar of High Court (per Crown Agents).
North-Western University Law School.
North-Western University Library (per Stevens & Brown).
Norwegian Ministry of Foreign Affairs.
Norwegian Ministry of Justice (Miss Scharma) (per J. & E. Bumpus, Ltd.).
Nyasaland, Attorney-General (per Crown Agents).
Nyasaland, Registrar, High Court (per Crown Agents).

Ohio State University Library (2) (per G. E. Stechert & Co.).
Ontario, The Hon. the Attorney-General.
Ontario Legislative Library (per Allen & Son, Ltd.).
Oregon Supreme Court Library (per The Carswell Co., Ltd.).
Ostrowski, A.
O'Sullivan, Richard.

Palermo Institute (per British Council).
Palestine, Superintendent of Courts (per Crown Agents).
Paris, Bibliotheque Nationale (per C. Klincksieck).
Parry, Professor D. Hughes.
Pathak, Mr. Justice (India) (per W. H. Smith & Son).
Patna High Court (per McMillan's School Supplies Dept.).
Pennsylvania State Library (per Wm. Dawson & Sons, Ltd.)
Persia, British Council Representative (per British Council).
Phemister Co., The N. A. (New York).
Philadelphia Law Association (per Sweet & Maxwell, Ltd.).
Plesch, Arpad (Switzerland) (per Stevens & Sons).
Polish Board of Education (per B. H. Blackwell, Ltd.).
Pollak, W. (Johannesburg) (per Sweet & Maxwell, Ltd.).
Pollard, R. S. W.
Pomona College Library (per F. W. Faxon Co.).
Portugal, Biblioteca Nacional.
Pretoria University.
Pretzel, Dr. Jur Roman (Palestine).
Princeton University Library, New Jersey (per F. W. Faxon Co.).
Privy Council Office (per H.M. Stationery Office).
Punjab, Legal Remembrancer (per Wm. Dawson & Sons, Ltd.).
Punjab Legislative Council, Lahore (per Wm. Dawson & Sons, Ltd.).
Pyke, H. Reason.

Quebec, Attorney-General's Dept.
Queen's University (N.I.) (per W. E. Mayne Ltd.).
Queensland, Chief Secretary's Department.
Queensland, Supreme Court Library (per The Carswell Co., Ltd.).
Queensland University (per B. H. Blackwell, Ltd.).

Rajanathan, G. (per Sweet & Maxwell, Ltd.).
Reed College Library, Portland, Oregon (per F. W. Faxon Co.).
Reid, The Rt. Hon. J. S. C.
Rinfret, The Hon. Mr. Justice (Ottawa).
Ripon Law College, Calcutta (per Grindley & Co.).
Risley, Sir J. S.
Roberts, Dr. O. W.
Rome, British Council Representative (per British Council).

Rotwand, J.
Royal Empire Society.
Royal Holloway College (per B. H. Blackwell, Ltd.).
Royal Institute of International Affairs.
Russell, Sir Alison.
Russell Sage Foundation Library (per F. W. Faxon Co.).
Rutgers University Library (per International News Co.).
Ryan, M. J. (Dublin).

St. Lucia, Crown Attorney (per Crown Agents).
St. Vincent, Supreme Court (per Crown Agents).
Saher, E. V. (New York) (per Central Book Co.).
Samuell, A. L.
San Francisco Law Library (per The Carswell Co., Ltd.).
Sapru, The Rt. Hon. Sir Tej Behadur (Allahabad, India) (per The Times Book Co., Ltd.).
Saskatchewan, Legislative Counsel. (5)
Saskatchewan University (per Gordon & Gotch, Ltd.).
Schwelb, E.
Servants of India Society (Poona) (per P. S. King & Son, Ltd.).
Seychelles, H. E. The Governor (per Crown Agents).
Shaw, Sir John H.
Sheffield Public Library.
Sier, Sr. Raul, (Argentina) (per Gordon & Gotch, Ltd.).
Sierra Leone, Attorney-General (per Crown Agents).
Simpson, J. L.
Sinha, The Lord (Calcutta).
Social Law Library, Boston, Mass, (per Sweet & Maxwell, Ltd.).
Society of Writers to H.M. Signet.
Solicitors Supreme Court Library (Edinburgh).
Somaliland Legal Secretary (per Crown Agents).
Soochow University Law School (per International News Co.).
South Africa, Bloemfontein Supreme Court, Appellate Division.
South Africa, Bloemfontein Supreme Court, O.F.S. Provincial Division.
South Africa, Cape Town Supreme Court.
South Africa, Library of Parliament (per Walker Bros.).
South Africa, Pretoria Supreme Court.
South Africa Railway Headquarters.
South Australia, The Hon. the Attorney-General.
South Australian Law Society.
South West Africa, Administration Library.
Southern California University (per The Carswell Co.).
Southern Law Society (Hobart, Tasmania).
Southern Rhodesia, Clerk to the Legislative Assembly.
Southern Rhodesia, Department of Justice.
Squire Law Library, Cambridge.
Stainton, Sir John.
Stamp, J. H.
Stanford University Library, California (per G. E. Stechert & Co.).
Steedman, J. W. E.
Stellenbosch University Library (per B. H. Blackwell, Ltd.).
Stevens & Sons, Ltd.
Stiebel, Sir Arthur.
Stone, Professor Julius (Sydney).
Stoneham, R. T. D.
Sudan, The Hon. the Legal Secretary.
Sweet & Maxwell, Ltd. (2)
Sydney University (per Sweet & Maxwell, Ltd.).
Syracuse University Library, New York (per F. W. Faxon Co.).

Tadgell-Foster, D.
Tanganyika, Attorney-General (per Crown Agents).
Tanganyika, The Registrar, High Court (per Crown Agents).
Tasmania, Agent-General.
Tasmania University.
Texas University (per The Moore-Cottrell Subscription Agencies, Inc.).
Themaat, H. Ver Loren van (Stellenbosch) (per Dawson & Sons, Ltd.).
Thomson, The Rt. Hon. G. R.
Thomson, J. H. (per Dawson & Sons, Ltd.).
Thums, E. (Palestine) (per W. H. Smith & Son, Ltd.).
Toronto University.
Transvaal, The Hon. The Administrator.
Transvaal Division, Society of Advocates of South Africa.
Travancore, Advocate-General.
Treasury Solicitor (per H.M. Stationery Office).
Trinidad, Attorney-General (per Crown Agents).
Trnka, J.

Uganda, Attorney-General (per Crown Agents).
Uganda, Registrar, High Court (per Crown Agents).
United Provinces of Agra and Oudh.
United States Bureau of Foreign and Domestic Affairs (per American Embassy).
United States Dept. of Justice.
United States Dept. of Labour Library (per Dawson & Sons, Ltd.).
United States Dept. of State (per Stevens & Brown).
University College, Dublin (per The Sign of the Three Candles, Ltd.).
University College, London.
University College, Oxford (per Parker & Sons, Ltd.).
U.N.R.R.A. European Regional Office.
Upper Canada Law Society Library (per Sweet & Maxwell, Ltd.).
U.S.S.R. (15) (per Dawson & Sons, Ltd.).

Vassar College Library (per G. E. Stechert & Co.).
Vermont State Library (per F. W. Faxon Co.).
Victoria, Agent-General. (5)
Victoria Law Institute (per Law Book Co. of Australasia Pty., Ltd.).
Victoria University College Library (per Sotheran & Co.).
Virginia University Law Library (per Carswell Co.).

Wade, Professor E. C. S.
Wales (South) and Mon., the University Library of (per Celtic Book Co.).
Washington and Lee University (per International News Co.).
Washington University Law Library (per N. A. Phemister Co.).
Washington University Law School, St. Louis (per The Carswell Co., Ltd.).
Washington University Library (per Stevens & Brown).
Washington University Library, St. Louis (per G. E. Stechert & Co.).
Wayne University Library (Michigan) (per G. E. Stechert & Co.).
Webber, George J.
Wesleyan College Library (per Stevens & Brown).
Wesleyan University (Middleton, Conn.) (per G. E. Stechert & Co.).
West India Committee, The.
Western Australia, Crown Law Dept.
Western Australia, Public Library (per Francis Edwards, Ltd.).
Western Australia University.
Western Reserve University Law School (Ohio) (per The Carswell Co.).
Western Reserve University Library (per G. E. Stechert & Co.).
Wheare, Professor K. G.
Whitlock, J. W. (per Butterworth & Co.).

Willcox, T. H.
Williams, Miss Ivy.
Williams College Library, Mass., U.S.A.
Winfield, Professor P. H.
Wisconsin State Library (per The Carswell Co., Ltd.).
Wisconsin University Law Library (per N. A. Phemister Co.).
Witwatersrand University (per Wm. Dawson & Sons, Ltd.).
Wolff, E.
Wolff, Henry J. (New York City).
Wortley, B. A.
Wyoming State Library (per F. W. Faxon Co.).
Wyser, K. H.

Yale Law Library (2) (per Sweet & Maxwell, Ltd.).
Yale University Library (per Allen & Son, Ltd.).

Zanzibar, Registrar, High Court (per Crown Agents).

ANNUAL REPORT

ONCE more the Society has had to change its address. The hospitality of Sir Gerald Chadwyck-Healey, which the Society enjoyed as a refugee at 28, Essex Street, could no longer be extended to it when his staff returned to the premises. In these difficult days even the small amount of office accommodation required for the daily routine work of the Society was not readily to be found, but, fortunately, a room was secured in one of the Inns of Court, thus renewing an association to which the Committee have always attached importance. The attention of members is particularly requested to the new address: 26, Old Buildings, Old Square, Lincoln's Inn, W.C.2, as communications are still being received from all parts of the world at Elm Court, which was destroyed in the early days of the war.

The opportunity which the removal provided for examining the volumes in the custody of the Society showed that it was possible to present some to the Inter-Allied Book Centre and the Royal Empire Society to make good losses due to war damage and also to transfer others to the Library of the London School of Economics and Political Science in accordance with the standing arrangement.

During the year the Society has experienced several serious losses from among the members of the Executive Committee and the Council. Reference has already been made (vol. XXVII, p. 98) to the valued services of Sir William Malkin as a member of the Executive Committee. From the Council the Committee have to regret the loss of Dr. Leslie Burgin, who had been associated with its work for many years, and of Sir Arthur Quekett, whose active interest was maintained to the end, as the reviews which he contributed to the last number of the *Journal* evidence. The Committee have had the pleasure of welcoming as new members of the Council, Sir Oscar Dowson, Sir Kenneth Kemp, Mr. Justice Korsah of the Gold Coast, and the Chief Justice of Canada, the Hon. Thibaudeau Rinfret.

Changes have been made in the Editorship of the publications of the Society in consequence of Dr. Goadby's resignation. Sir Arnold McNair accepted the Committee's invitation to undertake the editing of the Society's *Journal* with the assistance of Professor Gutteridge, while Sir Cecil Carr becomes Editor of the *Review of Legislation* in addition to contributing the annual review of legislation of the United Kingdom. The work involved in the production of the *Journal* has substantially increased, although the Committee are indebted for assistance to a steadily growing number of contributors. The work of the Honorary Secretary is now solely in the hands of Mr. C. E. A. Bedwell.

The economy of paper effected by the reduction in its substance and by the use of longer lines of smaller type gives the impression that the *Journal* has been much reduced. In point of fact, however, the last number contained approximately the same amount of matter as two pre-war issues; while the *Review of Legislation* is on a scale which is at least equal to that standard. Post-war legislation developments may necessitate its still further enlargement.

The main feature of the accounts for the year has been the continued increase in the cost of production of the Society's publications. There is also a larger item for office and other expenditure. Notice has been received that the former will be still further increased, and there is reason to expect that the latter will be moving in the same direction. Nevertheless the Committee would be reluctant to increase the annual subscription, especially as the financial statement shows a balance sufficiently large to relieve them from any immediate anxiety. In the present state of the country's finances it is a matter of special satisfaction to the Committee that such a large proportion of their income is derived from sources outside the United Kingdom. The most serious deficiency in the receipts is still due to the cessation of the grants from the Inns of Court. The Committee are grateful to the Law Society for continuing their grant, and a special word of gratitude is due to the Canadian Bar Association for their continued assistance. The grants made by the Governments of Fiji, Gold Coast and Trinidad and Tobago are also most welcome.

The interest stimulated by the Jubilee Luncheon resulted in the enrolment of fifty new subscribers during the year, and there were happily not many losses in the membership. While the Society continues to show such healthy progress the Committee feel justified in regarding its future as assured.

SOCIETY OF COMPARATIVE LEGISLATION

RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDED DECEMBER 31ST, 1945.

Dr.

	£	s.	d.	£	s.	d.
To Subscriptions:						
General	348	8	10			
Government	87	16	3			
				436	5	1
To Grants:						
Canadian Bar Association, 1943, 1944, 1945	33	11	1			
Fiji Government	10	0	0			
Gold Coast Government	6	0	0			
G. F. Grigs, Esq.		10	6			
Law Society	21	0	0			
Trinidad and Tobago Government	5	0	0			
				76	1	7
,, Sale of Journals, Back Numbers, Reprints, etc.	64	12	1			
Less Cost of Reprints	2	2	0			
				62	10	1
,, Interest on 3% Defence Bonds				6	0	0
,, Subscriptions in arrear paid during 1945				61	19	7
,, Subscriptions in advance paid during 1945				117	2	7
,, Cash at January 1st, 1945:						
At Bank	506	12	2			
In Hand	3	17	3			
				510	9	5
				£1,270	8	4

Cr

	£	s.	d.	£	s.	d.
By Publication of *Journal*:						
Printing—Vol. xxvi, parts iii and iv	116	9	3			
Vol. xxvii, parts i and ii	190	11	2			
Vol. xxvii, parts iii and iv	168	11	10			
Paper for Journal	25	12	5			
				501	4	8
,, Salary of Clerk	136	16	0			
Income Tax	15	4	0			
				152	0	0
,, Rent of Office				56	5	0
,, General Expenditure				34	4	6
,, Audit of Accounts				3	3	0
,, Stationery				4	2	9
,, War Risk Insurance					11	2
,, Cash at December 31st, 1945:						
At Bank	516	1	0			
In Hand	2	16	3			
				518	17	3
				£1,270	8	4

We have examined the above Receipts and Payments Account with the Books and Vouchers, and certify that it agrees therewith. We have verified the Bank Balance, and also the investment of £200 3% Defence Bonds.

LONDON: 48, Copthall Avenue, E.C.2.
20th February, 1946.

CASH, STONE & CO.,
Chartered Accountants.

INTRODUCTION

[*Contributed by* The Editor]

In the following summaries of laws made in 1944 our Society gathers, for purposes of comparison, the fruits of the anonymous labours of legislative draftsmen in many lands. Anonymity is still the public servant's pride; the agencies which publicise political personalities leave him contentedly obscure. Many centuries had to elapse before Stephen Langton, the Papal Legate, was praised as " the prince of all draftsmen " by a fellow-practitioner in the person of Lord Thring for having " expressed Magna Carta in short and precise language."[1] The unnamed artist-craftsmen who to-day are toiling to improve the form of our laws may have to wait a long time, too, for recognition. Occasionally, and almost accidentally, a figure becomes modestly historical. Turning the pages of the *Dictionary of National Biography*, some reader may light upon the life of a hero like James Duncan Hume (1774–1842), who, as Controller of the Customs, becomes aware of the intolerable multiplicity and untidiness of the Acts of Parliament which he has to administer. The Treasury excuses him from his ordinary duties while he tackles the job of rewriting them in an orderly way. There is said to be an accumulation of 1,500 statutes dating back to Edward I. With Hume's aid they are boiled down to 11 in 1825.[2] Arthur Symonds, anxious to emphasize that a general consolidation of the statute law of England would present no insuperable difficulty, told a Select Committee in 1836 that Hume, working with but a single clerk, performed his feat in eighteen months. In the age of myth and miracle Hercules was promised a handsome reward for scouring out in one day the Augean cowsheds where the stalls of 3,000 oxen had not been cleaned for 30 years. An enlightened Exchequer gave Hume £6,000, but, according to his biographer, he lost it all by an injudicious investment. Is his name remembered at the Custom House ? Now that the statues have come back to London, King Charles to look again down Whitehall, and King George III to confront again American travellers in Cockspur Street, is there no plinth for Hume in the Port of London ? Is there—to put a more practical question—no latter-day Hume, conscious that the present Customs Consolidation Act bears the date of 1876 and that nearly a hundred subsequent statutes have to be studied by anyone who seeks to study the law upon this subject ?

In England the discreditable state of the statute-book is tolerated, both by those who must obey and by those who must enforce the law, with a more slothful and mischievous apathy than in other lands. The nation of shopkeepers has never estimated the friction caused and the hours wasted by the neglect to re-state old enactments. Fresh trouble arises at Westminster in 1944 (as also since in 1945 and 1946) because the law of Parliamentary disqualification, in spite of repeated warnings, is left in its notoriously " unsatisfactory and illogical " condition. One serious obstacle to progress with statutory consolidation in Britain is the need of minor preliminary amendment. New Zealand has adopted since 1936 the device of an annual statute carrying a wheel-barrowful of miscellaneous amendments. Mr. James Christie explains how in 1944 his Statutes Amendment Act of 70 sections amended 35 New Zealand statutes on unrelated subjects, thus shortening Parliamentary debates and killing flocks of statutory harpies with a single stone. If political parties can unite in resisting the temptation to insinuate matters of controversy and importance into a collection of trivial corrections, the device holds out great hopes of usefulness within its modest scope.

Bentham insisted that the cultivation of " security " was the main object of law and of the legislator. Certainly the legislation of 1944 has plenty to say about social security. To this end the field of statute law is being hopefully extended to take in ground which voluntary agencies and private benevolence once occupied, though we need no Sydney Smith to remind us of inevitable limits; "frost cannot be put off by Act of Parliament, nor can spring be accelerated by any majority of both Houses." If we look for any common features in the laws of 1944, the first impression perhaps is the difficulty of judging the year's statutes without bearing in mind the copious use of subordinate legislation in a time of emergency. In Britain Defence Regulations, and orders of all kinds made thereunder, relieve Parliament of the task of direct enactment. Students in search of a topic for a doctoral thesis might attempt to analyse the appropriate distribution of the legislative function between direct statute law and the subsidiary law made by the Executive under delegated powers, in peace and in war. Faced in war-time with unpredictable contingencies, responsible authority must ask for wide powers which may not ultimately be needed in their entirety. In Britain, we find, it has been necessary to invest even the Archbishops with a power to make Emergency Regulations for various purposes connected with the Church of England, though their output in this respect has been inconspicuous. Another common feature of contemporary legislation, not peculiar to conditions of emergency, is its application to the purpose of modifying inconvenient judicial decision. In this process (which is confined, of course, to countries where the will of the Legislature can prevail over the wisdom of the law-courts) we must not be surprised at the time-lag. The English common-law rules as to frustration of contract took the wrong turning as long ago as 1902, when the cancelling of the Coronation of King Edward upset many bargains for seats to view the royal procession. It is not put back upon the right road till 42 years later. There is much less delay in removing the inconvenience caused by the English courts' decision in *Lace* v. *Chantler,* a case which suggests that the traditional refinements of forensic distinctions are sometimes too subtle for the simple business of the ordinary citizen. Unsophisticated folk had used the informal words "for the duration" in a tenancy agreement which they obviously intended to last for the duration of the war, in whatever manner the end might be fixed. If it had only occurred to them to say "for ninety-nine years with power for either party to determine the tenancy at the end of the war," the judges might have been satisfied; but the mere words "for the duration" by themselves were fatally uncertain. Parliament had to step in and formulate for the parties the bargains they must be supposed to have intended. Our summaries exhibit several other examples of litigation as a cause of legislation. Northern Ireland passes a new law to remove doubts of the construction of an old one because a court across the border has given it a possibly contagious twist. Elsewhere decisions which challenge the validity of emergency ordinances lead to fresh enactments. It is surprising, perhaps, that there have not been more Acts of Indemnity after so extensive a war-time disturbance of private rights. The great Lord Brougham, in his *Political Philosophy,* referred to emergency measures such as the suppression of the right of public meeting and the so-called suspension of the Habeas Corpus Act:—

---

[1] Thring, *Practical Legislation*, 1902, p. 2.

[2] 6 Geo. IV, cc. 106-116 : *see* the subsequent recension in 3 & 4 Will. IV, cc. 50-60.

> "The measure adopted frequently in William III's reign, again in George I's, and afterwards in George III's, was a power conferred on the government of detaining and imprisoning persons suspected of treasonable and seditious designs without bringing them to trial. This is a far worse measure at all times than the restriction of public meetings; but the exercise of the power is at least under some check; for a Bill of Indemnity is always required to secure the government which has used such power of imprisonment, and, as this Bill must be carried through after the alarm has passed away, possibly when a new Ministry is in office, they who have occasion

for it are exposed to considerable risk if they have at all abused the power temporarily bestowed."[3]

The modern draftsman in Britain has been able to draw upon so ample a reservoir of delegated authority (thanks to the Emergency Powers (Defence) Act, 1939) that he could frame his Defence Regulation 18B in judge-proof terms. The Defence Regulations as a whole, indeed, have stood up so well that the Parliament at Westminster has not found it necessary after the second world war to enact anything like the Indemnity Act, 1920. On the other hand, out of abundant caution, New Zealand passes an Act of Indemnity in 1944 (as in previous years) in case the judiciary should presently find the Executive to have been at fault.

A study of the year's law-making conveys, particularly perhaps in the case of Britain, two other impressions. First there was frequent recourse in 1944 to preliminary impartial examination outside the Legislature before putting legislation in hand. Some " White Paper " or departmental report is presented to Parliament for discussion; the subsequent Bill can be framed in the light of legislators' response to the proposals. It is a method frequently used before the introduction of Bills for extending the franchise in the United Kingdom. Secondly, we may note, especially in the new English law of education, the statutory emphasis on policy. The Minister is told what is expected of him. Here is no pious hope expressed in a preamble, but a firm direction in the body of the statute. There will always, of course, remain a wide latitude of discretion in the fixing of administrative or judicial standards. The invaluable words " reasonable," " reasonable and practicable " (an insistent phrase in the English Act for reinstatement of ex-service men in civil employment), " equitable and reasonable," and " reasonable and equitable in all the circumstances of the case " testify to the inherent impossibility of formulating an infallible uniformity applicable to every contingency. In the end the Legislature must say in effect " Here is our idea of what is wanted; go and do your best to carry it out."

An insular tendency to over-emphasize the significance of laws enacted in London, England, is an error for which an editor who writes under the shadow of the Palace of Westminster should apologize. Our oversea contributors can paint a panorama of legislative subjects far more colourful and varied, and often far more boldly treated, than the drab picture to which his narrow vision is accustomed. The hunter's dress in Manitoba, the protection of the beaver in Quebec, the limited shooting of kudu (which are " royal game " in the Cape Province of South Africa), the destruction of dingoes in Queensland or of bear or timber wolves in certain parts of Canada, the Vermin Hunt Clubs of the Orange Free State, the Red Cross sweepstake in Eire, Government-controlled lotteries in Western Australia, the prospector's grubstake in British Columbia, the crop failure clause, drought and frost relief in certain food-producing countries, the tremendous problems of war damage in Malta (where, incidentally, the proud title of " George Cross " needs to be guarded from abuse), the enlargement of war damage insurance in New Zealand to cover earthquake damage as well, the treatment of leprosy in Madras or of malaria in Cyprus—these are but a few examples of the wide range of the written law. Features of special interest are, as usual, furnished by the Kingdom of Tonga, where, for instance, the wearing of clothes needs to be regulated under an Order in Public Places Act, and where it is sensibly required that bicycles be registered so as to assist the police to trace those which are stolen. In another respect Tonga can point a moral to more highly sophisticated societies. Attendance is compulsory at public meetings known as " fonos," where Government policy and legislation are made known. The corresponding liability in Britain would presumably be compulsory listening for an hour a day to broadcasts by the public relations officers of Government departments while they tactfully announce the latest commands and prohibitions. Ought people to be penalized for disobeying laws of which they cannot be aware ? In the United States the " executive orders " of the Federal Government must first be filed with the Government Printer for publication next day in the *Federal Register,* a vehicle of official information roughly corresponding to the *London Gazette* in England. Manitoba's Statutory Instruments Act, conforming in its main outline to a standard pattern which the Canadian Commissioners on Uniformity of Legislation have usefully designed, similarly makes operation dependent on prior registration in a Central Registry and publication in the *Manitoba Gazette.*

---

[3] (1842) Part III, p. 319.

Law to many laymen means primarily criminal law, just as the law-courts mean to them the places where criminal trials are held. Among noteworthy features in the criminal laws of 1944 is the abolition of the minimum punishment of three years' imprisonment for persons convicted of postal thefts in Canada. Maximum penalties are raised in Canada for the sale or delivery of defective military stores or for frauds of a similarly despicable nature. In new laws for sex offences Queensland recognizes the province of the psychiatrist. The prevalence of railway thefts in India has led to an ordinance which places on persons found with articles of railway stores the onus of proving innocent possession. The significant words " knowingly and wilfully " are deleted from a law of Western Australia against the keeping of a common betting house. In Victoria baccarat, dinah-minah and skill-ball are declared unlawful games. In the Falkland Islands a constable must confiscate the cigarettes of young persons, if apparently under the age of 16, found smoking in a street or public place. With these summary remedies against juvenile smoking we may compare the provision first enacted for England by the Children Act of 1908. More than any other branch of legislation, the criminal law will generally correspond with the moral law, but young persons are not " fit audience for the moral art."

The regulation of professions is another legislative topic which attracts popular interest. In Nova Scotia corporations are forbidden to carry on practice as a barrister, and touting for legal work is prohibited. Queensland, while legislating for the compulsory insurance of motorists against accidents, discountenances lawyers who are guilty of the unethical conduct known in many countries as " ambulance chasing." Legal practitioners are also dealt with by the governments of Madras and of Trans-Jordan, and legal education by the Legislature of British Columbia. Manitoba makes laws as to osteopaths, chiropractors and " practical nurses," and, by an intriguing new feature, requires persons engaged in specified professions to be qualified to a prescribed extent in the " basic sciences " recognized by the Act for the purpose.

A division of the legislation of 1944 into the experimental-novel and the conventional-imitative would be an over-simplified classification. Sometimes a legislative problem emerges for many countries simultaneously; it has been necessary, for instance, for several legislatures to fit into their laws of evidence the new device of microphotography. Sometimes there is a visible movement towards unification—for example, in the admirable work of the Commission for the Uniformity of Laws which influences the output of provincial legislatures in Canada. Some laws make headway by reason of their intrinsic merits; the code of marine insurance, drafted by Mackenzie Chalmers and enacted by Britain in 1906, goes round the world and has lately been adopted by Manitoba. There is no national monopoly in legislative design. If, as in 1944, the Anglo-Egyptian Sudan has occasion to legislate for rent restriction, Fiji for child adoption or British Guiana for employment exchanges, the draftsmen may as well contemplate the language and operation of corresponding enactments in Britain and elsewhere. It is a two-way traffic. The Mother Country can profit by watching the development oversea of legislation on such projects as family allowances or pay-as-you-earn income tax. If our Society can help by furnishing patterns and parallels, that is an object for which it was founded. We record elsewhere our gratitude to the contributors who furnish us with the material. It is no easy task to single out the significant features, to explain the origins of the new laws and to add the occasional comments which save the story from being a tedious catalogue of the contents of successive sections. For many years Mr. Christie's summaries of New Zealand laws have furnished an admired model. It is sad that the present volume contains the last of them as he is now retiring from the Law Drafting Office in which he has served so well.

In studying the comparative aspect of legislation we see how statutory phraseology must keep pace with changes of political atmosphere and quickenings of the social conscience. Just as England has tired of the label " poor law " and has substituted " public assistance," so in Saskatchewan a Direct Relief Act and its amendments are consolidated into a Social Aid Act, and " relief " becomes " aid." It is convenience, perhaps, and not euphemism, which substitutes " man " for " seaman " in new laws for the Canadian Navy. In this connection an English reader will recall that section 8 (1) of the Finance Act, 1894, with its references to " common seamen " and " common soldiers " needed examination by the courts not long ago.[4] Does not history recall that the men of Cromwell's army insisted in being called " private ", rather than " common ", soldiers ?

Thus times change, and laws change with them; we must hope that, in form as well as substance, the change is for the better. When the disastrous fire of 1834 had destroyed the House of Commons, and rebuilding was necessary, as it is again to-day, a competition was advertised for the best design, " preferably in Gothic or Elizabethan." Charles Barry, we know, won the first premium and was appointed the official architect. Not long afterwards when Arthur Symonds (whom we have already quoted) was giving evidence in favour of the improvement of statutes, he suggested that it would be more sensible to offer a prize for the best designed code; more people would benefit. The Gothic style of drafting we do not know; the laws of Elizabeth are readily available for comparison and some of them deal with just the same matters as the laws of King George the Sixth. Here is the stately preamble of an Act of 1592 on compensation for war injuries:—

> " Forasmuch as it is agreeable with Christian charity, policy and the honour of our nation that such as have since the 25th day of March anno 1588 adventured their lives and lost their limbs or disabled their bodies . . . in the defence and service of Her Majesty and the State should at their return be relieved and rewarded, to the end that they may reap the fruits of their good deservings and others may be encouraged to perform the like endeavours . . . "

The Elizabethan statute, as would be expected, uses the machinery of the justices of the peace and quarter sessions for the collection and distribution of relief. The age of centralization has not yet arrived; there is no Minister of Pensions to promote a reasonable uniformity of administration or to be questioned in the House of Commons. Among other legislative subjects of the 16th century agriculture and housing require attention as they still do to-day. In the time of Cromwell an ordinance deals with something very like the reinstatement of ex-service men in civil employment—an anxiety which confronts the British Legislature in 1944. The topics survive from century to century, but the treatment is very different. The persistent ringing of division-bells has sounded the death-knell of discursive phraseology. Bills, to quote Lord Thring's familiar maxim, must now be made to pass, as razors are made to sell. The modern legislator, if he has no longer the leisure for preambles, may sometimes spare a moment to regret that his statements of the law have lost the old note of music and of majesty and therewithal that breath of moral authority which seemed to inspire the measures of an earlier day.

---

[4] In *Blyth* v. *Lord Advocate*, (1944) 61 T.L.R. 1.

BRITISH EMPIRE

I. BRITISH ISLES

1. UNITED KINGDOM

[*Contributed by* SIR CECIL T. CARR, K.C.]

THE public general statutes of 1944 number 47. All but three belong to the session 7 & 8 Geo. 6; the chapter references in this summary are to that session unless otherwise stated. Legislation for the period of post-war reconstruction (for example, the notable new Education Act) is a sign of confidence in the coming victory. Defence Regulations and orders made under those Regulations—the children and grandchildren of the Emergency Powers (Defence) Act, 1939—still provide a high proportion of the year's laws. After an interesting debate on May 17, 1944, upon Mr. Hugh Molson's motion, the Government is persuaded to canalize Parliamentary supervision of delegated legislation by setting up a Select Committee of the House of Commons to scrutinize all Statutory Rules and Orders which either require the positive approval of the House or are exposed to annulment on an adverse prayer or resolution.

Improvement of the Statute-Book.—Though the Education Act wipes the slate clean while re-enacting parts of the previous law, there is no instalment of a programme of consolidation. Among the Local Acts, however, the Middlesex County Council enactments are tidily re-written.

There are two instances in 1944 of recourse to the device of an expository schedule to show how a principal enactment will read when amended.[1]

Constitutional Arrangements.—For yet another year a Prolongation of Parliament Act (c. 45) staves off the General Election which, under the Parliament Act, 1911, ought to have been held before the end of 1940. The new Act includes a like prolongation for the House of Commons in the Parliament of Northern Ireland "if the said House so resolves." For yet another year, too, a Local Elections and Register of Electors (Temporary Provisions) Act, the fifth of its series, suspends local government elections in England and Scotland (8 & 9 Geo. 6, c. 3).

Our Summary for 1943 recorded the change then made in the registration of Parliamentary electors. The peace-time system of a register annually revised by house-to-house inquiries could not cope with war-time shifts of population and could not be operated by the depleted staffs of the registration officers. A new continuous register was therefore brought into being, based on information available under the emergency legislation already well tested in the arrangements for identity cards, food rationing and clothing coupons. In 1944 a Parliamentary Electors (War-time Registration) Act amends the improvisation (c. 24). The Act is to expire at the end of 1945, or earlier if the original plan should be found workable after all. Briefly, it abandons the test of continuous residence; it puts the voter on the register because he is registered under the National Registration Acts as residing in the constituency on the "qualifying date"; and the qualifying date is put back another month (three, instead of two, months) before the General Election appears at last on the horizon.

Alterations of the franchise have often been linked with proposals for redistributing seats. In further preparation for the General Election which was likely to come in 1945, the House of Commons (Redistribution of Seats) Act establishes four Boundary Commissions, one each for England, Scotland, Wales and Northern Ireland (c. 41). Incidentally the county of Monmouth is, as often before, deemed to be in Wales and not in England. The Speaker is to be the Chairman of each of the four. Their task is to cope with the transfers and developments of population since the last mapping out of constituencies in 1918. The English Commission is to make an immediate division of certain " abnormally large constituencies " named in a schedule as having electorates exceeding 100,000 voters on the 1939 register. In effect the Romford division of Essex, and the Hendon division of Middlesex, with over 200,000 apiece, are each to be split into four new constituencies, the Harrow division of Middlesex, with over 150,000, into three, and seventeen others into two. The pattern is one of single-member constituencies of about 50,000. The Commission's scheme is to take effect by an Order in Council if the two Houses adopt it.

---

[1] See 7 & 8 Geo. 6, c. 29, s. 3 and Schedule, and c. 40, ss. 4(1), 5(1) and schedule 1. For this device see *Journal*, Feb., 1940, p. 14.

All four Commissions must make an initial report upon the redistribution of their areas, showing the constituencies and the number of seats which they recommend. A schedule to the Act contains some rules which they must follow. Thus, the number of constituencies for Great Britain is to be " not substantially greater or less than 591 " (not less than 71 for Scotland and not less than 35 for Wales); the number for Northern Ireland is 12.

When they have made their initial report, the Commissions are to " keep under review " the representation of their areas in the House of Commons and to submit periodical reports. The Act does not touch the various university constituencies or the existing two-member representation of the City of London. The Commissions have power to hold local enquiries.

In 1941 a Select Committee of the House of Commons examined the laws which disqualify the holder of an " office or place " from sitting in the House. Its report (1941: No. 120) recommended a laudable simplification of the famous Act of Anne and the formidable sequence of enactments which have made up " the present unsatisfactory and illogical position." Neglect of that recommendation adds another House of Commons Disqualification (Temporary Provisions) Act in 1944 (c. 11). It continues for another year an improvisation of 1941 which exempted the holders of such offices or places under the Crown as are certified to be required in the public interest for purposes connected with the prosecution of the war. The Treasury must now make an annual return to Parliament of all these certificates, detailing the persons, offices and salaries concerned and showing any lapsed certificates.

Machinery of Government.—A new Ministry of National Insurance is set up (c. 46) to take over from the departments previously in charge their functions with respect to national health insurance, old age pensions, widows', orphans' and old age contributory pensions and supplementary pensions, unemployment insurance and unemployment assistance, and workmen's compensation. Thus the way is prepared for the unified administration of State Insurance which the Beveridge Report (1942: Cmd. 6404) had advocated. The report had spoken of a Ministry of Social Security. The original Bill called it a Ministry of Social Insurance; in Committee the title was altered to National Insurance. As usual when a new Ministry is thus established, the Act arranges for the functions to be transferred at convenient dates by Orders in Council which may contain " incidental, consequential and supplemental provisions " and may repeal, modify or adapt previous enactments, rules, regulations or orders. As usual, too, the Act arranges for the Minister's oath of allegiance and official oath, for the pay and appointment of his staff, for his incorporation as a corporation sole, for the authentication of his documents and their proof in evidence, and for his capacity to sit and vote in the House of Commons.

Parliamentary control of departmental regulations, rules and orders is usually asserted by requiring the subordinate legislation to be laid before the two Houses and by providing one of two procedures. Under one the document requires positive approval by an affirmative resolution; under the other it takes effect at once but can be annulled if, within a time limit, either House passes a resolution against it. The Fire Services (Emergency Provisions) Act, 1941, empowered the Home Secretary to make regulations which were to be liable to annulment under the second of these procedures if either House so resolved within 28 sitting days. He made his first regulations on August 5, 1941. They were duly and punctually published in the official series of Statutory Rules and Orders, but, by an oversight perhaps partly explained by an August bank-holiday week-end following some particularly tiresome nights of enemy activity over London, they were never laid before Parliament, although their general policy and substance were ventilated in the House of Commons. In the three years following the Act of 1941, no fewer than 23 sets of regulations failed to find their way to the two Houses before the omission was discovered on July 26, 1944. The Home Secretary at once confessed the lapse, the documents were laid before both Houses, and an Act of Indemnity was hurriedly passed (c. 35). This Act was not required, and is not expressed, to give validity to the regulations. They had been effective from the moment when they were signed. The statutory requirement to lay them was, in the technical phrase, directory but not mandatory. Failure to lay did not invalidate, though the breach of a statutory duty might conceivably involve the offender in proceedings for a common-law misdemeanour.

The Law Officers Act (c. 25) is a belated remedy against latent inconveniences. The Attorney General has many powers and duties by Act of Parliament. If his office be vacant or if he be for any reason not available (through illness or absence on duty abroad, for instance), there is a deadlock. The Solicitor General will in future be able to take his place. The effect on the statute-book will be retrospective. In Scotland, too, henceforth the Lord Advocate, an even more august figure than any Attorney General, may be replaced by the Solicitor General for Scotland; and in Northern Ireland any deputy appointed by the Governor to act for the Attorney General of that country may lawfully exercise his functions.

International Relations.—The war brought to Britain not only the exiled foreign governments (for whose diplomatic privileges and immunities Parliament provided by statute in 1941) but also the representatives of foreign governments arriving for conferences or for some great international operation like U.N.R.R.A. The Diplomatic Privileges (Extension) Act, 1944, applies to any organization declared by Order in Council to be one whereof His Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign Powers are members (c. 44). The Order in Council may confer legal corporate capacity on the organization itself and may give it immunity from suit or legal process, inviolability for its archives and premises, and exemption from taxes (except, to some extent, import duties) and rates. Secondly the Order may confer ambassadorial immunity (from suit, legal process, rates and taxes) and the privileges of inviolability of residence upon a prescribed number of the holders of specified high offices in the organization, not being British subjects, and upon representatives of the foreign government on that body or any committee of it. Thirdly the Order may confer more limited immunities upon such other classes of officers and servants of the organization (including British subjects holding the high offices aforesaid or representing any member government) as the Order may specify. A British subject whose usual place of abode is in the United Kingdom will not escape rates and taxes. The Secretary of State will publish in the *Gazette* lists of the persons receiving immunities and privileges under the second and third of these authorizations. Where an international conference is held in Britain and attended by representatives of the United Kingdom Government and of foreign sovereign Powers, and the Secretary of State thinks that doubts may arise over the status of the visitors and their official staffs, he may compile and publish in the *Gazette* (and from time to time alter) a list with the statement of the date of its operation. Every visitor who for the time is included in the list " shall, for the purpose of any enactment and rule of law or custom relating to the immunities of an envoy of a foreign Power accredited to His Majesty" be treated as such an envoy; his retinue will have corresponding advantages. A later section cautiously saves the power to refuse or to withdraw these immunities or privileges in the case of a Power which fails to accord reciprocity.

India.—The India (Miscellaneous Provisions) Act, make sporadic amendments in the great Act of 1935 (c. 38). For instance, arrangements are needed to regulate the retirement in rotation of members of Legislative Councils in the six provinces where they exist. Normally one-third retire each year; with the wartime suspension of elections the stages have got out of step. Further, if the Viceroy or Commander-in-Chief should leave India on duty, that is not to impair his statutory right to go home on leave once during his term of office "for urgent reasons of health or of private affairs." And it is formally stated that if a judge of the High Court be transferred to another High Court or to the Federal Court, he will cease to be a judge of the court which he leaves—an enactment comparable to s. 10(2) of the Supreme Court of Judicature Act, 1925.

Another short statute, the India (Attachment of States) Act, is more technical. Besides British India there are the Indian States; they are not British territory, nor does the law applicable to British India run there. S. 2(1) of the 1935 Act, in dealing with the government of India by the Crown, had a proviso that "any powers connected with the exercise of the functions of the Crown in its relation to Indian States shall in India, if not exercised by His Majesty, be exercised only by, or by persons acting under the authority of, His Majesty's Representative for the exercise of those functions of the Crown."

The proviso was presumably inserted to prevent the Viceroy as Crown Representative from handing over authority in the Indian States to a British-Indian self-governing body. It led, however, to the following complication. In Kathiawar and Gujerat, side by side with large Indian States progressively administered, there were some 400 small independent areas with a population of perhaps 800,000. Their resources and organization have been inadequate to furnish proper services of public health, education and communications. A federation of these smaller units, or an incorporation of them into a province of British India, appeared impracticable for geographical, if for no other, reasons. The only solution was to attach them to neighbouring large Indian States possessing, and willing to extend to the new-comers, the desired administrative facilities. Accordingly, in April, 1943, the Crown Representative declared his intention to relinquish his jurisdiction over these small units and authorized its assumption by their larger neighbours, subject to certain safeguards. The time came when someone in the Gondal State alleged that this order of attachment was illegal. The Court of the Judicial Commissioner ruled that it contravened the proviso to s. 2(1). Hence the present Act of 1944 (c. 14) which is expressed to have retrospective effect.

The Armed Forces.—The usual annual continuance of the Army Act and the Air Force Act (c. 18) makes only one amendment. S. 176A, added to each Act in 1943, applies the code to the women's forces, subject of course, to necessary modifications. The section is now amended to bring in the members of Voluntary Aid Detachments. This replaces one of the Defence (Women's Forces) Regulations, itself inserted in 1943, whereby the V.A.D. had been temporarily included.

A Naval Forces (Extension of Service) Act retains in the Royal Navy for the rest of the war period the seamen, marines and naval reservists who could otherwise have taken their discharge or been released after five years (c. 13). A similar Act was necessary in 1919.

A Prize Salvage Act (c. 7) prohibits the institution of claims for services rendered in recapturing ships, aircraft or goods taken by an enemy, except with the consent of the Admiralty or the Secretary of State. In Nelson's day a British ship, if it rescued a vessel captured by a French privateer, brought the rescued vessel home and claimed against her owners. In 1944, with the prospect of re-occupation of enemy-occupied ports by means of operations in which the naval, military and air forces would be combined and in which the different Allies would be sharing, some less individualistic method is needed. Even so, the prize salvage claims are not abolished; they will, however, be adequately controlled.

The ex-serviceman who entered upon whole-time service in the armed forces of the Crown after May 25, 1939, the woman who after the same date entered upon whole-time service in the W.R.N.S., A.T.S., W.A.A.F., or V.A.D. and other specified units, and all persons who, after April 10, 1941, became whole-time members of a civil defence force, are to have the benefit of the Reinstatement in Civil Employment Act (c. 15). Their former employer must take them back in their old job on terms and conditions not less favourable than those which they would have enjoyed if they had not joined the forces. If this be not " reasonable and practicable " (three words which frequently recur in the Act), then the applicant is to be placed " in the most favourable occupation and on the most favourable terms and conditions which are reasonable and practicable in his case." The obligation is to take him into employment " at the first opportunity (if any) at which it is reasonable and practicable." Employers must continue to employ reinstated employees for the following 26 weeks " or so much thereof as is reasonable and practicable." The applicant must apply to his old employer, in writing, not later than the fifth Monday after the end of his war service. A section, which must have been difficult to settle, deals with the priority of claims where the employer cannot take the man back without discharging someone else. " Reinstatement Committees," aided by expert assessors, will decide questions of claims; there will be an appeal from their decisions to an umpire. Enforcement may involve the employer in a fine and a liability to compensate the applicant.

These provisions supersede the safeguards for reinstatement previously contained in the Military Training Act, 1939, whereby men were called up for short-term peace-time training during the summer before war broke out, or in the National Service Act, which imposed military service when war began. Those Acts gave no protection to the volunteer. He now gets rights no worse than those enjoyed by the conscript.

Social Benefits and Pensions.—Into the scheme of national insurance for which a Ministry is now set up there is to be fitted some provision for the rehabilitation and resettlement of the disabled. The Disabled Persons (Employment) Act, 1944 (c. 10), follows the lines of the Tomlinson Committee report on this subject (1943: Cmd. 6415). The Act defines "disabled person " as anyone who—

> " on account of injury, disease or congenital deformity, is substantially handicapped in obtaining or keeping employment, or in undertaking work on his own account, of a kind which apart from that injury, disease or deformity would be suitable to his age, experience and qualifications."

The word " disease " here will include " a physical or mental condition arising from imperfect development of any organ." The Minister of Labour and National Service is to provide or arrange vocational training courses and industrial rehabilitation courses for persons not under 16. Their travelling expenses may be paid and other payments may be made to them within limits fixed by the department with Treasury approval. Then follow provisions for enabling registered disabled persons to find employment or to work on their own account. The Minister will keep a register of persons " handicapped by disablement." Entry in the register will depend on conditions prescribed in regulations. If the disabled person is under the prescribed age or has unreasonably refused or failed to attend a course, or (except in the case of ex-servicemen and women, seamen and so on) is not ordinarily resident in Great Britain, or is of habitual bad character, those facts may be among the matters prescribed. Anyone who has "a substantial number of employees" is obliged to take his quota of registered persons; the quota will be a number ascertained in relation to a "standard percentage" and a "special percentage"; both percentages will be specified by an order made by the Minister after consulting organizations representing employers and workers. The employer is not to be prosecuted until the matter has been before a district advisory committee, and the committee, after giving him a chance to say what he wants either orally or in writing, has reported to the Minister. The Minister, after consulting representative organizations, may by order designate classes of employment which he thinks afford specially suitable opportunities for employing the disabled; if so, the vacancies must be appropriated to registered disabled persons only. Employers must keep records. Preference is to be given to ex-servicemen and women. The Act, which is complicated in form, cannot have been easy to frame.

A short Unemployment Insurance (Increase of Benefits) Act raises benefits at the expense of the State without calling upon individuals for any greater contribution (c. 42). The main provision of a Pensions (Increase) Act relieves the hardship of pensioners in the lower ranks of the civil service, teachers, police, firemen, local government officials and others (c. 21). The beneficiaries are those who have small pensions and limited resources outside their pensions. There will be no increase unless the pension-paying authority is satisfied that the pensioner's outside income does not exceed £300 a year if he is married or has at least one dependent, or £225 a year in any other case. In calculating that income, the first £52 will be disregarded; the income of a pensioner will be deemed to include that of a wife or husband.

A Police and Firemen (War Service) Act amends a similarly named Act passed in the early days of the war to protect the pensions of police or firemen who joined the armed forces. There are provisions dealing with medical evidence and appeals, with the presumption of death on service, and with the effect of the war-time suspension of the right to retire on pension (c. 22).

Personal Problems.—The refugee children in Britain, from the continent of Europe, from the Channel Islands and from Gibraltar, were said to number 12,500. Problems were created because sometimes it was desirable to remove them to a better environment; or again there might be young people under age who wanted to marry and it was desirable that somebody's consent should be required. The Guardianship (Refugee Children) Act (c. 8) authorizes the Secretary of State to appoint a guardian for anyone who appears to him (*a*) to have entered the United Kingdom after the end of 1936 "in consequence of war (whether foreign or civil) or of religious, racial or political persecution," and not to have at the time of arrival attained the age of 16, and (*b*) to have no parent in the United Kingdom, and (*c*) to be under 21 and, in the case of a female, to have never been married. The Secretary of State must do his best to notify the parent if the name and address is known. It is not intended that each young person should necessarily have an individual guardian; societies may be authorized to act.

The presence in the United Kingdom of large numbers of troops from overseas naturally resulted in some of the visitors marrying girls in this country. The parties would not, however, be likely or able to settle down here in a joint home. If the marriage between, say, an English girl and an American soldier were unhappy and she had occasion to bring proceedings for divorce, the English courts would not entertain them because this was not the country where both were domiciled. Her only remedy would be to journey to his country and to take her witnesses with her—a task probably of great difficulty. The Matrimonial Causes (War Marriages) Act extends the jurisdiction of the courts in England, Scotland and Northern Ireland as if both parties were at all material times domiciled here (c. 43). The marriages to which the Act applies are those celebrated on or after September 3, 1939, and before the " appointed day " (a date doubtless intended to depend on the termination of the war) where the husband was, at the time of the marriage, domiciled overseas and the wife was, immediately before the marriage, domiciled here. The Herbert Act of 1937, it may be recalled, restricted the initiation of divorce proceedings during the first three years of the marriage; this restriction is not to apply. The extension of jurisdiction does not apply to divorce or nullity proceedings begun later than five years after the appointed day or to marriages where the pair have resided together at any time in the husband's country of domicile. The Act may be contrasted with the Matrimonial Causes (Dominions Troops) Act, 1919, which was based on reciprocity.

Education.—The widely welcomed Education Act of 1944 (c. 31) contains, as perhaps Education Acts should, encouraging statements of policy and principle. Its title, to begin with, is " An Act to reform the law of education in England and Wales." The Minister, the new name for the former President of the Board of Education, is directed in the first section " to promote the education of the people . . . and to secure the effective execution by local authorities, under his control and direction, of the national policy for providing a varied and comprehensive educational service in every area." The previous statutory obligation upon parents (a relic of an Act of 1876 preserved in the 1921 consolidation) was the duty to cause the child " to receive efficient elementary instruction in reading, writing and arithmetic." The new Act substitutes this:—

> " It shall be the duty of the parent of every child of compulsory school age to cause him to receive efficient full-time education suitable to his age, ability and aptitude, either by regular attendance at school or otherwise " (s. 36).

The compulsory school age is to be from 5 years to 15. The upper limit is to be raised (by Order in Council requiring approval of Parliament) to 16 " as soon as the Minister is satisfied that it has become practicable."

" Elementary " ceases to be an official label for education. The old division into " elementary " and " higher," a legacy from 1902, disappears. Henceforth—

> " The statutory system of public education shall be organized in three progressive stages, to be known as primary education, secondary education and further education; and it shall be the duty of the local education authority for every area, so far as their powers extend, to contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient education throughout those stages shall be available to meet the needs of the population of their area " (s. 7).

This three-tier system is elaborated as follows. The local education authorities are to provide and maintain primary and secondary schools. These (not being nursery schools or " special " schools) will be known as " county schools " if established by the authorities, and " voluntary schools " if established otherwise. Voluntary schools in turn are classified in three categories— " controlled schools " (Mr. Butler claimed that these were the " great invention " of the Act), " aided schools " and " special agreement schools." There will also be " independent schools," namely, those which give full-time education to five or more pupils of compulsory school age, not being schools maintained by a local education authority or receiving grants from the Minister. They will be registered and inspected, and there is machinery for determining (before an Independent Schools Tribunal) complaints if a school is said to be " objectionable " because of its premises, accommodation, instruction, or staff. If the complaints are justified, the Minister can strike the school off the register, close the premises or disqualify proprietor or teacher.

" Further education " covers firstly full-time and part-time education for persons over compulsory school age, and secondly " leisure-time " occupation, in such organized cultural training and recreative activities as are suited to their requirements, for any persons over the compulsory school age who are able and willing to profit by the facilities provided for that purpose. Local education authorities have a prospective duty to establish and maintain " county colleges "; the House of Lords substituted this name for the less attractive label " young people's colleges " originally in the Bill. These will be approved centres for providing—

> " for young persons who are not in full-time attendance at any school or other educational institution such further education, including physical, practical and vocational training, as will enable them to develop their various aptitudes and capacities and will prepare them for the responsibilities of citizenship."

Limits of space necessarily restrict further quotations from, or attempted analysis of, this great new self-contained Act. It should be studied along with the White Paper on Educational Reconstruction (1943: Cmd. 6458), which was discussed in advance of the Bill. Other noteworthy features are the generous arrangements for medical inspection and treatment, for milk, meals and clothing, for camps, playing fields and swimming baths (ss. 48–53), the abolition of fees in local education authorities' schools or county colleges (s. 61), the declaration that women teachers are not to be disqualified from employment in a county school or voluntary school " by reason only of marriage " (s. 24), and the careful provisions for religious education in county and voluntary schools where " the school day . . . shall begin with collective worship on the part of all pupils " (s. 25). Unless the premises make it impracticable, the arrangements are to provide " for a single act of worship attended by all such pupils," but attendance will be excused at the parent's request. S. 76 enacts " the general principle that, so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of the parents."

Thus the dualism of the Balfour Act of 1902 and the frustrated optimism of the Fisher Act of 1918 give place to the Butler Act of 1944. The necessary buildings and teachers were not available but the good will was there.

Judicial Arrangements.—The Supreme Court of Judicature (Amendment) Act attempts to get rid of the arrears in the Divorce Court (c. 9). Under the existing law there are 26 puisne judges of the High Court, to whom three more could be added, i.e., one more to the Chancery Division, and, upon a resolution of both Houses of Parliament, two more to the King's Bench Division. The dismal congestion of the divorce lists (showing 3,000 cases awaiting trial) made clear that the judges were really needed in the Probate Divorce and Admiralty Division. The Wedgwood Committee had reported to the Lord Chancellor that contested divorce cases should be tried on circuit. The evidence would mostly come from the place where the parties lived; local lawyers would usually be entrusted with the proceedings; the expense of coming to London and instructing London lawyers was obvious. The Lord Chancellor could make an order for contested divorce petitions to be heard on circuit, but he had not enough judges to hear them. The new Act increases the full establishment of judges from 29 to 32; the extra judges are not to be appointed unless the Treasury be satisfied of the need. Further, the Act allows a puisne judge to be transferred on the direction of the Lord Chancellor and with his own consent from one Division of the High Court to another.

Landlord and Tenant.—In *Lace* v. *Chantler*, [1944] 1 K.B. 368, a tenancy agreement " for the duration " (i.e., the duration of the war) was held invalid by the Court of Appeal because the term was uncertain. All would have been well if the parties had agreed that the tenancy should be for a named number of years (10, 99 or 999, for instance) determinable on the termination of the war; but the court refused to construe the Lace-Chantler agreement as having that acceptable effect.[2] Parliament was aware that many agreements were in existence which used such phrases as " for the duration of the war," " for the period of hostilities," or " for the period of military operations." The Validation of War-time Leases Act (c. 34) therefore declares that tenancy agreements for the duration of the war shall have effect as if the term were for ten years, subject to a right on either side to determine the tenancy if the war ends before the expiration of the ten years by at least one month's notice in writing given after the end of the war. There was of course the question whether " the war " meant to the parties the war with Germany or the whole war. S. 2 of the Act provides that references to the war or to hostilities or to the emergency period are to be taken as references to the war against a particular State or all States " on the proper construction of the words used in the agreement whatever they may be " as found appropriate. If the agreement does not indicate whether it means war with a particular State or with all the States with which His Majesty is at war, it will be taken to refer to war with those States with which His Majesty was at war at the date of the agreement " unless it is shown that the parties intended that the expression should be otherwise construed." When then *does* the war end ? Were the parties thinking of the day when peace terms are signed or the day when the guns stop firing ? Under s. 2(2) an Order in Council may declare the date of the end of the war and of hostilities as respects any State or all States, and the date of any event which may need defining for the purpose of a tenancy agreement. The Act is applied to Scotland; Northern Ireland is empowered to enact her own provisions.

Another case for statutory intervention arose over leases of land requisitioned by the Government. If damage was done during the period of requisition, it was unfair that the original tenant, not being in control, should be liable. The Landlord and Tenant (Requisitioned Land) Act provides that, in those circumstances, no repairing covenant is to be enforceable (c. 5). The Crown will pay compensation; the person who gets it will not be able also to enforce his legal rights against the tenant. If a tenant, at his own instance, makes good such damage, he will get a proportion of the compensation received by the landlord. Litigation will normally be in the county court in England and the sheriff court in Scotland. An official certificate that possession was taken on a certain date and is still retained or, as the case may be, was given up on a named date, or that compensation of a named amount has become payable, will be sufficient evidence of the matters certified unless the contrary is proved. The period covered by the Act goes back to August 24, 1939, the date when the Emergency Powers (Defence) Act was passed.

Relief in the Law Courts.—Apart from litigation between landlords and tenants, there are two other developments in mitigating financial hardships due to the strain of the emergency period. In 1941 the Liabilities (War-Time Adjustment) Act created the " adjustment officer " to advise and assist persons whom the circumstances of the war had driven into difficulties. To save such persons from out-and-out bankruptcy, the officer could draw up schemes of arrangement of their affairs, and the court could give the embarrassed debtor a " protection order." Military precautions had involved the removal of residents on the east and south coasts of England from their homes under Defence (Evacuated Areas) Regulations made in 1940. These migrants, who had perforce to leave their house empty, were protected from the enforcement of demands for rent or mortgage interest. But, though this moratorium gave relief, their obligations were piling up as the years went by. An amending Act of 1944 (c. 40) authorizes the adjustment officer to give his services here, too, to help them " to arrive at an equitable and reasonable settlement." The settlement is to be legally enforceable; it will not be void for want of consideration. Secondly, the debtor may apply to the court to settle his moratorium debts and liabilities. The court will decide whether the sum be paid in full or whether it is " reasonable and equitable in all the circumstances of the case (including the relative degrees of hardship suffered by the parties) " that it be reduced or remitted. There were other places, not declared " evacuation areas " under the Defence Regulations, where things were almost as bad. The Lord Chancellor is given power to apply the Act to them if satisfied that, as a result of war circumstances, "extensive and prolonged evacuation has taken place . . . or that access to the area has been or was restricted for a prolonged period."

---

[2] See *Great Northern Railway Co.* v. *Arnold* (1916), 33 T.L.R. 114, where some such solution was adopted.

Another amendment of the 1941 Act allows the court, in reaching a settlement which " will afford to him a reasonable prospect of preserving or recovering his business or other means of livelihood," to remit or reduce the debtor's liability for rates. The court may also approve any compromise or arrangement whether made by the debtor or by the adjustment officer or the person responsible for administering the debtor's affairs. Lastly, if the debtor has borrowed money, the court may exercise such powers as are given by the Moneylenders Acts for relieving him from hard bargains.

The Courts (Emergency Powers) Acts for England and Scotland have enabled more general relief to be given during the emergency period. A small amending Act applies to Scotland a few additional improvements which in previous years had been enacted for England. The most important change is that the contracts from which the court can give relief shall include contracts made since the beginning of the war (c. 6).

Housing.—Fresh subsidies are to stimulate the building of houses. Previous laws made subsidy payable to local authorities for new houses to abate overcrowding, to clear away slums, to develop central areas or, in rural parts of the country, to provide homes for agricultural workers. These limitations of purpose are suspended (c. 33) as regards any new houses completed before October 1, 1947, by local authorities in England. To facilitate acquisition of land for housing, the Minister may for the next two years confirm local authorities' compulsory purchase orders without the precaution or safeguard of a local inquiry. There was similar temporary provision after World War One (see 9 & 10 Geo. 5, c. 60, s. 10 (2)). Like stimulus is applied to Scotland by an Act (c. 39) which also provides for grants and advances to the Scottish Special Housing Association.

The Housing (Temporary Accommodation) Act applies to both England and Scotland (c. 36). To help the local authorities to "provide as a matter of urgency temporary accommodation," the central department responsible for housing in each country may arrange with the Minister of Works for the manufacture and construction thereof and for its erection on land acquired or appropriated by the authorities and may " make structures for use " by them on terms to be agreed. The Treasury may provide up to 150 million pounds for the expenses of the Ministry of Works. These " structures " (the word " bungalow " is avoided) are not to be made available under the Act, unless Parliament otherwise determines, after October 1, 1947. The Minister may remove them, with their fittings, after giving notice to the local authority. The structures, fittings and materials belong to the Crown. The authorities will, as part of their ordinary housing responsibilities, choose the tenant, fix and receive his rent, and pay the central department an annual sum while the structure remains on the land. There is special provision if the structure is erected " on land of exceptionally high value."

The Countryside.—As we shall see later, there are to be grants under the Agriculture (Miscellaneous Provisions) Act for water supply to farm houses and cottages. There is a much wider power in the Rural Water Supplies and Sewerage Act (c. 26) for the Minister to contribute to local authorities' expenses in providing water (or improving an existing supply) " in a rural locality." There may be similar contributions towards adequate sewerage or the disposal of sewerage in such localities if the Minister is satisfied that the need is due to work undertaken (before or after the passing of the Act) to furnish or to improve a supply of piped water. The contributions for England are not to exceed 15 millions from the Exchequer. County councils are to contribute from local funds at the ratepayers' expense, according to their financial position and the merits of particular schemes. Hitherto it has been the statutory duty of a local authority to supply wholesome water; the new Act definitely requires every local authority to provide " a supply of wholesome water in pipes to every locality in their district in which there are houses or schools "; the pipes are to be taken to points which will give a connection to the houses " at a reasonable cost." There is a proviso that the local authority need not do " anything which is not practicable at a reasonable cost "; if those last words lead to disputes, the Minister will decide. Such are the main features of an Act which looks forward to post-war reconstruction. Local authorities are to plan ahead and to feel they can afford it. The Act makes like provision for Scotland.

Planning.—The Town and Country Planning Act (c. 47) is another statute designed to encourage local authorities to look ahead. Many areas had been wrecked by enemy action; many others were revealed as suffering from " conditions of bad layout and obsolete development." For the re-development of these places (respectively nicknamed " blitzed " and " blighted "), and for the " re-location of population and industries " in an " area of extensive war damage," the Act gives fresh powers of acquiring and clearing land and fresh grants from central funds. There will be a quinquennial review of the financial effect. In the course of the re-development land may be taken for the public service and for Post Office purposes. A local planning authority has the chance to take land compulsorily for present and future needs (" in order to secure a proper balance of development ") for public open spaces or playing fields, and for accommodating persons or undertakings driven elsewhere by war circumstances but likely to return. The owner of the land has a chance to make his objections and to have them heard. Planning control is extended to agricultural buildings. Consecrated land and burial-grounds may be used and developed notwithstanding restrictions imposed by ecclesiastical law or otherwise. Commons, open spaces and field garden allotments may also be appropriated. Existing easements are not to stand in the way. There is provision for building new roads and for extinguishing highways over lands acquired. Statutory undertakers (railways, road transport, canal, dock and harbour concerns and electricity, gas, water, and hydraulic power companies) lose some of the special protection they formerly enjoyed. The Minister may compile lists of buildings of special architectural and historic interest for the guidance of local authorities; such buildings are not to be disturbed without the authority's consent.

What is to be the price for the land ? The answer is that compensation will be assessed by reference to prices current at March 31, 1939; but, if the dispossessed person is an owner-occupier, he is entitled to a supplement of 30 per cent. above the 1939 ceiling—a provision far less simple to formulate than might be supposed. A further supplement is possible where improvements have been made since March 31, 1939.

The Act is substantially one for land acquisition. The finance is intended to stimulate local initiative, though the central responsibility is unmistakable. The Minister can direct the local authority to dispose of land so as to secure the best use of it, subject to some careful conditions. He can exact all necessary information for the purpose of deciding the expediency of compulsory purchase orders. At various stages his consent is essential and his control can be asserted.

Fisheries.—To assist persons engaged in the herring industry, " including in particular persons who have previously been engaged in that industry and persons who have served whole-time in the armed forces of the Crown or the mercantile marine,'' the Herring Industry Act (c. 32) authorizes the Treasury to make grants for five years up to £820,000. The powers which may be given to the Herring Industry Board by scheme under the 1935 Act are extended. Boats and equipment may be bought to be chartered or hired or sold to fishermen; arrangements may be made for refrigeration and processing of such part of the catches as will provide " supplies of herring of good quality throughout the year " and meet " temporary and seasonal conditions detrimental to the industry "; contributions may be levied, by port or area, " out of the proceeds of first sales of fresh herring, that is to say, the first completed sales wholesale after the herring have been caught,'' and payments made therefrom to fishermen of that port or area " in order to obviate, as far as possible, undue differences in their earnings.'' The Ministers concerned may make advances to the Board towards the expenses of schemes—for loans for providing reconditioning or equipping boats; for buying boats and equipment; for loans to societies and organizations formed for acquiring nets and gear, fuel or other requisites for fishing, or requisites for curing, kippering or refrigerating herring; for making loans to aid exports; and for operations involving outlay of working capital. The five-year period may be extended by ministerial order if, in the prevailing circumstances, the Board and the fishermen have not been able to use the financial assistance to the extent anticipated. The Act in part follows the recommendations of the Colville-Elliot departmental committee (Cmd. 6503).

Agriculture.—The fifth Agriculture (Miscellaneous Provisions) Act of the war (c. 28) included a section which increased the resources of the Agricultural Mortgage Corporation. This, by altering the financial structure of the Corporation, made the Act in its earlier stages a " hybrid Bill "; it was a public Bill affecting private rights, and had to be referred to the Examiners (like a private Bill) to ensure that Standing Orders as to notices to persons affected had been complied with and that shareholders had been consulted. Following the Luxmoore Committee's report, the Act unifies into a single National Agricultural Advisory Service the activities previously conducted by county councils, university specialists and agricultural colleges. The new service will give free " technical advice and instruction, whether practical or scientific, on agricultural matters.'' The Act extends the subsidy on hire, provides for minimum time-rates of wages for workers employed on piece-work, furnishes money for supplying water to farm houses and cottages for domestic purposes, and applies the Live Stock (Licensing of Bulls) Act, 1931, to pigs as it applies to cattle.

More milk being consumed than ever before, and more demanded, milk must be safe and clean. A white paper on " The Quality of the Nation's Milk " (1943: Cmd. 6454) showed that the responsibility had hitherto been divided. The purity of milk was the care of the Ministry of Health under Food and Drugs Acts; the Ministry of Agriculture and Fisheries inspected dairy herds, controlled cattle diseases, weeded out unhealthy cattle under a Tuberculosis Order and operated a State veterinary service, local sanitary authorities looked after the methods of milk production, the buildings and equipment, while the councils of counties and county boroughs conducted the testing of herds for tubercle. A new Food and Drugs (Milk and Dairies) Act centralizes the control (c. 29). Henceforth Milk and Dairies Regulations under the Food and Drugs Act, 1938, will be made by the two Ministers jointly. Regulations as to special designations of milk will be made as a separate code, in so far as they relate to " raw milk " (i.e., " milk which has not been treated by heat "), by the two Ministers instead of by the Minister of Health alone. The registration of dairies and dairy farmers will be the business of the Minister of Agriculture and no longer of the local authorities. Hitherto there was no power to refuse registration to a would-be producer; he was left to be prosecuted if he failed to comply with the requirements of the regulations. Henceforth the Minister can refuse registration " if in his opinion, having regard to conditions existing at the premises to be registered, the regulations cannot be complied with." As refusal may put the farmer out of business, there is machinery for his appeal to a tribunal; he can bring his witnesses, and the tribunal can inspect his premises. The result must be reported to the Minister, and the Minister must inform the farmer. The decision " shall, for the purpose of the proposal to refuse or cancel registration, be conclusive evidence of the facts found thereby."

Finance.—The annual Finance Act (c. 23) makes fewer changes of taxation than any since the Lloyd George Budget of 1913. The rather fancifully applied impost upon armorial bearings and the carriage duties disappears at last. There is a further repeal of obsolete provisions for church-door notices as respects dog-licences and so on. " Wine which the Commissioners are satisfied is vintage port " (a pleasing instance of administrative adjudication) may be bottled for home consumption in a warehouse in future. Among fresh provisions for purchase tax, now reviewed in the light of four years' experience, an arrangement for applying both purchase tax and customs enactments to imported goods may create hard cases. The penalties for purchase tax offences and fraudulent evasion are stiffened.

Income tax is at ten shillings in the pound. There are concessions to clergymen and ministers as regards the tax on their residences, and to authors where the sale of copyright for a lump sum throws into one year a profit made by the labours of several years. Allowances are made to traders for expenditure on scientific research. Some provisions as to income tax and death duties are altered where income and properties are affected by the law of trading with the enemy. The standard allowance in computing excess profits tax is raised by £1,000, while the evasion of tax is made retrospectively less profitable. There are complicated changes in death duties. The rate of succession and legacy duty payable in certain cases of illegitimate children is put on the same scale as if the children had been born in wedlock. Among a few alterations of stamp duty there is one which encourages the conversion of bearer securities into registered form.

Though the Act simplifies income tax law in small details, the long awaited re-writing of that law (promised in 1924) is still frustrated. Meanwhile a separate statute enlarges the scheme of Pay-As-You-Earn. An Act of 1943 had applied the P.A.Y.E. principle to wages and salaries up to £600. Now the Income Tax (Offices and Employments) Act extends it to all emoluments within Schedule E—that is to say, to all recipients of wages or salaries (excepting members of the armed forces), whatever the amount and whatever the nature of the employment (c. 12). There was, after all, no logical reason for drawing the line at £600.

In peace-time the Treasury has some limited powers of raising money and issuing stock. In war these are not enough. The National Loans Act, 1944, authorizes borrowing up to the good round figure of 250 millions in addition to the money needed for " raising supply " for the current financial year (c. 19).

Besides the inevitable Consolidated Fund and Appropriation Acts of the session, a Public Works Loans Act allows the National Debt Commissioners to issue 15 millions for the purpose of local loans by the Public Works Loan Commissioners (c. 16). For the very last time this annual Act refers to an unlucky advance made in 1892 to the Eyemouth Harbour Trustees, all the arrears of principal and interest being now finally written off. S. 4 allows the functions and duties of the secretary to the last-named Commissioners, if they are satisfied that he is " through illness, absence or other sufficient cause unable to act," to be discharged by an assistant secretary with equally valid effect.

The annual Isle of Man (Customs) Act briefly continues various existing taxes (c. 27).

Local Acts.—The Local Acts of 1944 numbered 23, eight more than in the previous year. Apart from the admirable consolidation of outstanding enactments which it effects, the Middlesex County Council Act has interesting provisions in Part XVIII which take advantage of the House of Lords decision in *Allchin* v. *Coulthard* [1943], A.C. 608, and show how local may impinge upon general legislation. Briefly, the South Shields Corporation Act, 1935, had abolished all existing statutory regulations and restrictions as to the application of the surplus revenue from its municipal electricity and transport undertakings. It was consequently not illegal to use profits from those undertakings in order to pay interest on moneys borrowed by the corporation for general purposes. Thus a not inconsiderable claim for income tax on those profits was defeated.[3]

Church Assembly Measures.—Two Measures which received the Royal Assent (after passing through the stages prescribed by the "Enabling Act" of 1919) illustrate, like the statutes of 1944, the continuing impact of the emergency and the preparation for the reconstruction period.

The Reorganization Areas Measure (7 & 8 Geo. 6, No. 1) allows the Ecclesiastical Commissioners to declare an area to be an "ecclesiastical reorganization area" if war damage or other war circumstances or the action of a planning authority should require new arrangements for pastoral supervision. Where these conditions exist, churches, parish halls, vicarages and other church buildings may have been destroyed or made useless; rebuilding proposals must take into account the prospective distribution and density of population; parochial boundaries may need to be re-drawn, benefices to be united or divided. Diocesan reorganization schemes will be formulated for these areas for approval by the bishop and for confirmation by the Commissioners after allowing proper opportunities for objection by parties interested. Proposals for reorganization areas must reach the Commissioners within the next seven years and proposals for reorganization schemes within the next ten. It may be recalled that every Measure passed by the Church Assembly must be considered by an Ecclesiastical Committee consisting of fifteen members of each House of Parliament. This Committee reports to Parliament upon the nature and legal effect of the proposals and on their expediency, "especially with relation to the constitutional rights of His Majesty's subjects." The Committee reported that such reorganization inevitably involved widespread interference with the existing constitutional rights of parishioners, incumbents, patrons and others. In particular it drew attention to the loss which certain incumbents would suffer, through no default of their own—the deprivation of the legal right for life to income arising from endowments attached to the benefice. The Committee thought, however, that proper regard had been had to these rights, and adequate compensation provided.

Secondly, the Emergency Legislation Measure, 1944, temporarily continues various war-time provisions until six months after the date which the Church Assembly declares to be the end of the emergency (8 & 9 Geo. 6, No. 1). Among these continued provisions is the Clergy (National Emergency Precautions) Measure which had received the royal assent in June, 1939, and under which the two archbishops were authorized to make "Emergency Regulations."

Delegated Legislation.—The Orders in Council, rules, regulations and other orders made by departments under statutory powers and registered under the Rules Publication Act amount to 1,483 in the year 1944. This shows a progressive drop from the totals of 1,788 in 1943 and 2,937 in the peak year of 1942; the 1,483 consist of 1,028 general and 455 local orders. The collected edition of the Statutory Rules and Orders of 1944 occupies two volumes, the second of which contains all those which flow from the Emergency Powers

---

[3] Two general points on Private Bill legislation may be worth noting. The House of Lords had an interesting discussion on the possibility of expediting and cheapening it, on Lord Barnby's motion: see Hansard, Lords, April 5, 1944, col. 405. And in the Commons the Speaker gave an important ruling on relevance in Second Reading debates: see Hansard, Commons, August 1, 1944, cols. 1176-7.

(Defence) Act of 1939. In Volume I nearly 200 pages are devoted to orders made under the Goods and Services (Price Control) Act, fixing the charges for services such as laundry and stabilizing prices for all sorts of articles, from apparel and basket-ware down to wireless receiving sets and wool yarn. Here, too, are the regulations for the civilian register and the service register of voters and for the re-instatement of ex-service men in civil employment. Here, in fact, are hundreds of pages of subordinate details which Parliament has been content to omit from its statutes and to entrust to the skill and administrative experience of government departments. In Volume II we see that the Defence Regulations and their amendments occupy less than 60 pages, while the orders made under Defence Regulations occupy more than 1,700. Thus the children of the Emergency Powers (Defence) Act are heavily outnumbered by its grandchildren and great-grandchildren. The alphabetical headings show how wide the net is flung. Beginning with Administration of Justice, Agriculture, Alarm Clocks and Aluminium, the subjects run on to Rubber Gloves, Sales by Auction or Tender, Salvage of Waste Products, Shipping and Seamen, Supply, and War Zone Courts. A glance at the list of controlled articles under "Supply" takes one from Anti-freeze, Binder Twine, Bolts, Nuts and Screws, and Chlorates away down the alphabet to Tanned Kips, Timber, Wiping Rags, and Wool. Thus, under the Act passed on August 24, 1939, and renewed for another twelve months by resolution of both Houses in 1944, the controls continue to be piled up. How long will it be before they disappear?

2. NORTHERN IRELAND

[*Contributed by* W. A. LEITCH, ESQ.]

THE public general Acts passed in the year 1944, in part of the Sixth and the Seventh Sessions of the Fifth Parliament numbered twenty-seven. No local Acts were passed during the year.

Social Welfare.—The Youth Welfare Act (c. 1) amends and extends the provisions of the Physical Training and Recreation Act, 1938. That Act was passed to provide for the development of facilities for the physical training and recreation of young people. Its objects are now extended to include the moral as well as the physical welfare of youth. For the more effectual attaining of that object Parliament has provided for the setting up of one Committee, to be called "The Youth Committee," for Northern Ireland in place of the two Committees set up under the principal Act. The functions of the Committee, which is to consist of twelve persons appointed by the Minister of Education, are *inter alia*, "to conduct youth surveys, to review the existing facilities for youth welfare, physical training and recreation, in the various localities, to disseminate information relating to those matters and to direct public interest to the value of youth welfare." S. 2(3) is directed to securing that at least some of those who will have charge of youth welfare shall not have left their own youth so far behind as to be out of touch with the views and ideas of young people. It provides ". . . . the Minister of Education shall endeavour to secure that one half of the members of the said Committee shall be persons who at the date of their appointment are under forty years of age." Another change increases the maximum amount of a grant which may be made under that Act by the Minister to a local voluntary association from one-half to three-fourths of the expenses to be incurred by that authority in providing facilities for "youth welfare, physical training and recreation."

Planning.—The Planning (Interim Development) Act (c. 3) has for its object the extension of planning control to all areas in Northern Ireland not already subject to this control. It also increases the powers of local planning authorities, and of the Ministry of Home Affairs (later altered to the new "Ministry of

Health and Local Government''), in the control of '' interim development ''—that is to say, development of land in the period before a planning scheme becomes operative under Part I of the Planning and Housing Act, 1931, which is the principal Act dealing with planning. Under the 1931 Act local authorities were given power to pass resolutions to prepare a planning scheme for any land in their district '' with the general object of securing proper sanitary conditions, amenity and convenience in connection with the laying out and use of lands, or in connection with the re-development of the land if already developed ''; s. 4 provided that where a local authority had passed such a resolution the Ministry of Home Affairs might by order regulate the development of the land pending the coming into operation of the plan. Local authorities proved to be somewhat slow to take advantage of the Act with the result that unregulated and unplanned development of land continued in many areas. S. 1 of c. 3 provides that all land not already subject to a planning scheme under the Act of 1931 shall be deemed to be subject to a resolution to prepare a planning scheme under the principal Act. The effect of this is that the interim development of all land will come under control. S. 2 gives the Ministry power to make a general interim development order, under which there will be set up for each local area an '' interim development authority '' consisting of the local planning authority. This interim development authority is given power to deal with applications for development, and may grant an application unconditionally or subject to conditions, or postpone consideration, or refuse it. Where conditions have been imposed or the application refused there is an appeal to the Ministry. The postponement of an application is subject to an appeal to a court of summary jurisdiction. A further power of the interim development authority is to revoke or modify a permission for interim development already given. S. 6 contains provisions for the payment of compensation by local planning authorities in certain cases. For example, a right to compensation is given in respect of expenditure incurred on work which may be rendered abortive by the refusal of a permission to develop land and a similar right where a permission to develop has been revoked or modified. Finally the interim development authority is given, subject to the control of the Ministry, extensive powers to enable it to carry into effect any order which it may make in consequence of an application made to it for interim development by any owner or occupier of land in its area.

The Planning Acts Amendment Act (c. 18) makes changes in the machinery set up by the principal Act and the Interim Development Act and in particular provides for the voluntary surrendering by a rural district council or an urban district council of their powers conferred under the Planning Acts to the county council of the County within which the district is situated.

Milk.—The need for strict control and supervision of the sale and distribution of milk supplies is recognized in c. 4 which is entitled '' An Act to make provision for improving the quality of the milk supply.'' The Milk and Milk Products Act, 1934, went a long way to cut down the risk of disease being spread through the sale and distribution of infected milk. The new Act goes further than the Act of 1934 and makes provision for the complete supervision by the Ministry of Agriculture of the sale and distribution of all milk throughout the country. The changes made by the Act can be stated briefly as follows:

I. The Ministry of Agriculture can require that all milk sold for human consumption in any specified area shall be either grade '' A,'' '' B '' or '' C '' as defined in the principal Act and can impose conditions subject to which such milk may be sold.

II. All sellers of milk must have licences.

III. Sale of adulterated milk is made an offence under the principal Act, conviction for which is a ground for revocation of a milk licence.

IV. The Ministry's officers are given power to inspect '' any land or premises on which cows are kept and the cows kept upon them.''

Accidental Fires.—Under the existing law, persons in whose houses fires occur accidentally are relieved from liability for damage caused to other premises by such fires. Until the beginning of the eighteenth century such persons were liable at common law for damage so caused. In the year 1715 an Act was passed by the Irish Parliament to give protection from liability in cases of this kind; that Act is in force in Northern Ireland. The Act of 1715 provides that no action whatsoever shall be maintainable against "any person or persons in whose house or chamber any fire shall accidentally begin . . . . any law, usage, or custom to the contrary notwithstanding." A recent Eire decision (*Richardson and Webster* v. *Athlone Woollen Mills Co., Ltd.* 77 I.L.T.R. 27) leaves room for doubt whether in Northern Ireland the words "house or chamber" in the Act includes premises other than dwelling-houses. In England the question does not arise, as the Fire Prevention (Metropolis) Act, 1774, gives protection from legal proceedings in a more ample manner—to persons "in whose house, chamber, stable, barn or other building or on whose estate . . . ." any fire accidentally begins. The Accidental Fires Act, 1944 (c. 5) forbids the institution of legal proceedings against any person "in or on whose building or land" any fire has accidentally begun in respect of damage caused by such fire. The proviso to s. 1 expressly excludes from the operation of the Act proceedings for negligence and *Rylands* v. *Fletcher* liability.

Landlord and Tenant.—A loophole through which certain unscrupulous landlords were able to escape the provisions of the Rent Restrictions Acts in Northern Ireland is closed by c. 6, the Rent Restrictions (Defective Tenancies) Act. Under s. 30(1) of the Northern Ireland Land Act, 1925, an Act passed by the United Kingdom Parliament and dealing with land purchase, the letting of a holding subject to a land purchase annuity without the consent of the Ministry of Finance is made void. Consequently if the owner of a house subject to such an annuity let it to a tenant without having first obtained the necessary consent, and then subsequently wished to eject the tenant, the latter was deprived of the protection of the Rent Restrictions Acts by reason of the fact that the letting to him was void and therefore there was no tenancy to which those Acts could apply. In other words the landlord was able to take advantage of his own wrong. C. 6 puts an end to this by providing that, where such a letting of a dwelling-house is void for lack of consent, nevertheless the Rent Restriction Acts shall apply to such a house if they would have done so apart from the provisions of s. 30(1) of the Land Act of 1925. Lest the security for public money advanced for the purchase of holdings under the Land Purchase Scheme should be endangered by the new Act, s. 1(2) is in the following terms: "The preceding sub-section (extending the Rent Restrictions Acts to Defective Tenancies) shall not apply in any case where an order . . . . for the recovery of possession of any such dwelling-house attempted to be let as aforesaid . . . . is sought and the Ministry of Finance certify to the court that the withholding of the order would in the opinion of the said Ministry prejudice the security for the repayment of any part of the advance made for the purchase of the holding under the Acts relating to land purchase in Northern Ireland."

Marriage.—A "concession to conscience" is a phrase that has been used in a prominent Church newspaper to describe c. 7, the Marriage (Declaration of Law) Act. The position of a clergyman called on to marry two persons, one or both of whom have taken advantage of the extended facilities for divorce now existing, has been uncertain in Northern Ireland. Is he bound by law to marry persons who are not disqualified by civil, as distinct from ecclesiastical, law from marrying, even though his own belief is that such a union is contrary to divine law? The difficulty arises in two cases, viz.: (1) Where a divorced person is concerned; (2) Where the parties who present themselves for marriage are within the prohibited degrees as laid down by the Church but are enabled to marry legally (that is according to civil law) by the Deceased Wife's Sister's Marriage Act, 1907, or the Deceased Brother's Widow's Marriage Act, 1921, applied to Northern Ireland by the Deceased Brother's Widow's Marriage Act (Northern Ireland), 1924. The Matrimonial Causes Act (Northern Ireland), 1939, which substantially follows the English Act of 1937, does not contain a section similar to s. 12 of the English Act; that is the section which relieves clergy of the Church of England and of the Church of Wales from the obligations to solemnize the marriage of divorced persons and to permit their churches to be used for such ceremonies. The position of the clergy in Northern Ireland is dealt with in the first section of c. 7 which deals with divorced persons and is in similar terms to s. 12 of the United Kingdom Matrimonial Causes Act, 1937. The second section deals with the marriage of persons within certain degrees of relationship and gives a similar relief to clergymen in such cases. The persons referred to are persons who are enabled to marry by the Acts of 1907 and 1921.

Clogher Valley Railway.—The Clogher Valley Railway Company was established under a Provisional Order made in 1884 under the Tramways and Public Companies (Ireland) Act, 1883. This Order provided that payment of interest at the rate of five per cent. per annum on the paid-up share capital of the Company should be guaranteed by certain baronies in the Counties of Tyrone and Fermanagh. It further provided that, in the event of the baronies being called upon to fulfil these guarantees, Parliament would contribute, subject to an overriding limitation, one half of the cost so borne by them. At no time did the Company earn sufficient to pay the interest on its share capital. In 1926 the County Councils of Tyrone and Fermanagh, as they were empowered to do by the Order of 1884, took over the management and ownership of the undertaking, but the Company still remained in being and payment of the interest on share capital continued. In 1942 the Clogher Valley Railway and Roads Act provided (1) that the operation of the railway was to be discontinued and (2) that the entire payment of the guaranteed interest would thenceforth be made good out of moneys provided by Parliament. C.11, the Clogher Valley Railway Company (Winding Up) Act, brings to an end the story of this little railway by providing in s. 1 for it to be wound up and struck off the register of companies. The remainder of the Act deals with the details of the winding-up, including the payment of a sum to shareholders for their interests. Provision is also made for dealing with any belated claim to dividends that may be made in the future.

Housing.—The acute shortage of housing accommodation led to the passing of the Housing (Requisitioning of Premises) Act (c. 13). The Act enables local authorities with the consent of the Ministry of Home Affairs to requisition (*a*) dwelling-houses and other residential buildings which are not being used for residential purposes and (*b*) unoccupied buildings, and to use them for providing accommodation for persons who are homeless or inadequately housed. The power to requisition cannot be exercised until the local authority serve a notice on the owner of the premises of their intention to take possession and the owner fails within thirty days to let the premises to a bona fide tenant, who enters into possession within that time. Where a local authority exercises its powers and puts a homeless person into occupation the authority is entitled to charge that person a reasonable sum for the accommodation. The protection from eviction given by the Rent Restrictions Acts is withheld from a person placed in possession of a requisitioned house. Compensation to owners of premises requisitioned under the Act is based substantially on the principles upon which compensation is payable under the Compensation (Defence) Act, 1939. C. 13 is limited in its operation to the period ending on December 31, 1945.

In 1939, in order to improve the condition of working-class houses, Parliament, in Part I of the Housing Act of that year, provided for grants to local urban authorities and housing associations to a maximum of £150 per house towards the cost of erection of such houses. The procedure consists in the submission of a scheme by the local authority, the approval thereof by the Ministry of Home Affairs and a payment of £150 per house, or one third of the cost thereof if less than this sum, on completion of the scheme. The power to make grants is limited to expire on January 1, 1945, except in cases of schemes already approved before that date. C.10, the Housing Act, continues the power to make grants and raises the maximum grant per house to £390, but again a time limit is placed upon the power, which under this Act comes to an end, except in the case of schemes approved before that date, on December 31, 1946. The Act also deals with the machinery of compulsory purchase under the Housing Acts and enables the Ministry of Home Affairs to effect the transfer of land to local authorities for the purposes of these Acts by vesting orders under the Local Government Act, 1934.

Government Departments.—The Ministries Act (c. 14) changes the structure of the administration by abolishing one Ministry and setting up a new one. At the beginning of the War it was found necessary (as in England) to create a department to deal solely with matters of civil defence and public security, and to that end a Ministry of Public Security was established. With the changed conditions the need for such a separate Ministry exists no longer; c. 14 provides for its abolition and the transfer of its functions to the Ministry of Home Affairs. The new Ministry created by c. 14 is the Ministry of Health and Local Government, which is to be concerned with the public services in connection with public health, housing and local government. S. 4 of the Act gives the Governor of Northern Ireland power, by Order in Council, to assign to any department from any other department such functions as appear to him to be appropriate for such transfer.

Trade Boards.—An employer has the option of paying his workers time rates or piece rates. If he elects to treat his workers as time workers they are protected by the general minimum time rates which the trade board under existing legislation is required to fix. If, however, he elects to put his workers on piece work the Trade Boards Act, 1923, provides the following safeguards:—

(1) A learner or other juvenile worker must, during the first six months of his employment in the trade, receive at least the same amount of money as he would have been entitled to receive if employed on a time work basis.

(2) Such workers at any time after the expiration of the six months and all other piece workers must be paid general minimum piece rates if such have been fixed, or piece rates which would yield to an ordinary worker the piece work basis time rate as defined in the Act.

Juvenile workers have, therefore, the equivalent of a guaranteed time rate for six months, but the protection for other workers is simply that they should be paid the requisite piece rate. If they are new to the work, even though they may be experienced workers in other respects, their earnings for a time until they have worked up their speed may be low. C. 15, the Trade Boards Act, is passed to remedy this defect in the working of the wage regulating system. By s. 1 it gives the trade boards power to fix minimum rates of wages to apply to workers employed on piece-work on the employer's premises, for the purpose of securing to such workers minimum rates of remuneration on a time work basis. S. 1(2) gives a board power to provide that such rates shall be effective only for limited periods of time, if the board think it expedient to so direct. S. 2 modifies the procedure laid down in the Act of 1923 for fixing, cancelling or varying rates of wages.

Local Government.—The grants under the Government scheme, contained in the Local Government (Rating and Finance) Act, 1929, and the Local Government (Finance) Act, 1936, for compensating local authorities for loss of income due to de-rating enactments are increased by c. 17, the Local Government (Finance) Act, to meet the increased expenditure of emergency conditions. The earlier Act of 1929 differentiates between urban and other local authorities. In the case of urban authorities the annual deficiency contribution under that Act is a sum equal to the whole amount of the deficiency due to de-rating in urban areas. C. 17 provides in s. 2(2) that a limit imposed on this contribution by the Act of 1936 shall cease to have effect. Thus an urban authority will henceforth be reimbursed to the full extent of the deficiency. The position with regard to other local authorities is somewhat different. De-rating grants to these bodies are comprised of the following items:—

(*a*) A standard grant fixed under the Act of 1936;

(*b*) An annual supplemental grant based upon the produce of a rate of sixpence in the pound;

(*c*) An extra-statutory grant which has been paid in respect of the last two financial years.

S. 3 of c. 17 provides that the sums paid to each local authority in respect of these three items during the financial year ended March 31, 1943, shall be continued under the name of the "Annual Consolidated Grant." In order to meet additional expenditure on approved services, each local authority will also be eligible to receive a share of a further grant called " the annual additional grant," the amount of which is to be determined by the Ministry of Health and Local Government. The total of the additional grant is not to amount to more than sixty-five per cent. of the approved additional expenditure of all local authorities other than urban authorities. S. 3(4) enables the " consolidated grant " to be reduced if the approved net expenditure of the local authority for a financial year is less than the approved net expenditure for the year ended March 31, 1943.

Pensions.—C. 19 makes provision for increasing pensions granted whether before or after the passing of the Act to civil servants (including officers of the County Court Service), teachers, police (Royal Ulster Constabulary and special constables), petty sessions clerks, firemen and local government officers. The Act, called the Pensions (Increase) Act, contains two schemes of increases. (1) The main scheme deals with increases in cases of need to smaller pensioners. Pensions of £300 or less come under it, but increases are only granted subject to certain conditions. The amount of the increases varies from thirty per cent. in the case of pensions not exceeding £100 to twenty per cent. when the pension is between £200–£300 per annum. These figures are £75 and £150–£225 in the case of an unmarried pensioner or a pensioner with no dependants, married pensioners or pensioners with at least one dependant being treated differently from unmarried pensioners with no dependants. In the former class the increase must not raise the total income of the pensioner higher than £300. In the latter this limit is £225. (2) There is also a special scheme applicable only to certain civil service pensioners, namely, those who retired on or after February 21, 1922. The pensions payable in these cases were liable, in respect of the bonus element contained in them, to variation in relation to the cost of living figure, which fell from 205 in 1922 until in 1935 the pensions were stabilized in relation to the cost of living figure of 155. The cost of living figure is now in the neighbourhood of 200. The Act grants increases to civil service pensioners irrespective of means on the following scales:—

Pensions not exceeding £400 - - -	10 per cent.
Pensions between £400–£600 - -	7½ per cent.
Pensions between £601–£645 -	such sum as will bring pension to £645

Civil service pensioners who are also eligible for an increase under the main scheme will be dealt with under whichever scheme is more favourable to them. The remuneration, prior to retirement of various classes affected by the Act will have included war bonuses given directly or indirectly on cost of living grounds. S. 3(2) provides that any increase of the basic pension due to the reckoning of such bonus for pension purposes shall be set off against the increase to be given under the Act. The Act is limited in its duration to December 31, 1945.

The Teachers' Superannuation Fund, out of which superannuation payments to teachers are at present made, was the object of the Legislature's attention in c. 12. This Fund has for a considerable time been unable to meet, in full, the demands made upon it, with the result that the deficiency has had to be met annually out of voted moneys. The Superannuation (Teaching Services) Act (c. 12) shifts the liability for payments from the Fund and provides that such payments shall henceforth be a direct charge on moneys voted by Parliament. The contributions paid by schools and teachers towards superannuation, as well as the income of the Fund from its investments, are brought to the credit of the Vote by way of an appropriation in aid. S. 2 gives the Ministry of Finance power up to March 31, 1945, to realize any part of the investments held for the benefit of the Fund for the purpose of making provision for the payment to teachers of additional superannuation benefit by way of a lump sum allowance under the Education Act, 1923. The Teachers' Superannuation Act, 1924, empowers the Ministry of Finance to make such deductions as may appear to it to be equitable to the State pension payable to a teacher where the teacher is also receiving, in respect of the same service, a pension payable either directly or indirectly out of moneys provided by Parliament or raised by a rate, or out of any fund under the control of the Government of Northern Ireland. S. 3 of c. 12 extends the power given to the Ministry in this matter by providing that a pension payable under a pension scheme or a superannuation scheme, although not a State pension, may likewise be taken into account when calculating the amount of the State pension to be paid.

Unemployment Insurance.—The Unemployment Insurance (Increase of Benefit) Act (c. 2) increases the existing rates of unemployment benefit as fixed by the Unemployment Insurance Act, 1940. Both the ordinary rates of benefit under the general unemployment insurance scheme and the rates of agricultural benefit are increased, as are also certain allowances payable in respect of the dependants of an insured contributor. The allowance for an adult dependant, for example, is raised from ten shillings to sixteen shillings per week. Another change effected by the Act is that an unmarried woman is to receive benefit at a higher rate than a married woman. The rates of contribution are not altered.

Taxation and Finance.—The Finance Act (c. 22) applies the Fourth Schedule to the United Kingdom Finance Act of 1944 to the charging and recovery of death duties, where the law of trading with the enemy applies, as contemplated by s. 49(8) of that Act. On the other financial matters which are within the powers of the Parliament of Northern Ireland c. 22 follows substantially the corresponding provisions of the Imperial Act. In particular it does so on the succession and legacy duty payable where an illegitimate child takes an interest on the death of his or her mother, or where the mother takes an interest on the death of her illegitimate child, entertainment duty payable on a season ticket, and the stamp duty on the transfer of shares, stock or marketable securities previously transferable on delivery. The Imperial Act is also followed in exempting from stamp duty assignments made by seamen of their wages in payment of contributions to certain bodies representing their interests, and contracts, conveyances and other documents required in connection with the provision of accommodation for naval forces. The Act grants certain exemptions from death duties in cases of land transferred to the National Trust for Places of Historic Interest or National Beauty. Provision is made whereby the Ministry of Finance in the case of war damage occurring to licensed premises while the liquor licence certificate issued in respect thereof has been suspended under s. 2(2) of the Finance Act (Northern Ireland), 1942, may issue a suitably amended certificate to this effect. This provision is intended to overcome difficulties which may arise under the liquor licensing laws by reason of the structural conditions of the damaged premises.

In 1922 Parliament with a view to promoting employment in the country passed the Loans Guarantee Act of that year. Briefly, the Act gave the Minister of Finance power to guarantee repayment of the interest and principal of any loan made to a public authority, corporation or other body of persons if he was satisfied, after consultation with an advisory committee, that the proceeds of the loan were to be applied towards the carrying out of any capital undertaking and that the application of the loan in the manner proposed would be likely to increase employment in Northern Ireland. In fulfilment of guarantees given under the Act the Government became indebted to the extent of £4,500,000. Of this sum more than £2,000,000 was recovered, but in respect of the balance securities only were received. The money value of these securities is, at present day prices, greater than the balance of the debts, and the object of the enactment is to give the Ministry of Finance power to apply the surplus for other purposes. Under the Exchequer and Financial Provisions Act, 1942, the Government were authorized to use moneys produced by a realisation of these securities for the purpose of paying off the suspense debt on the Unemployment Fund. The extinguishment of this debt is in sight but there yet remain a number of securities to be sold and there will be a substantial surplus when it is extinguished. S. 1(1) of c. 2, the Exchequer and Financial Provisions Act, enables the surplus to be used for capital purposes including the repayment of loans made to the Exchequer. The rest of this short Act deals with certain financial arrangements between the Ministries of Finance and Commerce, and the tenure of office of the Comptroller and Auditor-General.

The Exchequer and Financial Provisions (No. 2) Act (c. 25) provides for the making of advances by the Ministry of Finance out of the Consolidated Fund or the Government Loans Fund in respect of money which may be borrowed on the security of the Roads Fund (Northern Ireland) for the purpose of meeting certain expenditure arising under the Roads Act, 1937. The object of this provision is to enable the " borrowing " Ministry to be in a position to take advantage of the rates of interest at which advances from Government funds can be arranged. By s. 2 the period of office of the present Comptroller and Auditor-General is extended for a further period of twelve months from November 13, 1944.

New Industries.—C. 27, the New Industries (Development) Act extends to December 31, 1946, the time within which the Ministry of Commerce may make grants and recommend the making of loans under the principal Act of 1937 for the purpose of assisting new industries in their early years in Northern Ireland.

Electoral Registers and Jurors Books.—Under various statutory provisions the register of electors which came into force in Northern Ireland on December 15, 1939, has remained in force since that time. It ceased to be operative when the new system of registration came into being under the Parliamentary Electors (War-Time Registration) Act, 1943, passed by the United Kingdom Parliament, and the corresponding Parliamentary Electors (War-Time Registration) Act (Northern Ireland), 1944. So long as the 1939 register remained in force and registration work was consequently suspended, the local officers who before the war had duties in connection with the preparation of electors' lists were temporarily safeguarded against undue loss of income, by payments of compensation under s. 6 of the Local Authorities and Jurors Books (Temporary Provisions) Act (Northern Ireland), 1940. C. 24, the Register of Electors (Temporary Provisions) Act, provides that compensation shall continue to be paid under the Act of 1940, but shall be abated to the extent to which a local officer may receive remuneration for registration work under the new system. The Act also gives to a local officer the right to choose whether he will have his superannuation allowance calculated by reference only to his pre-war registration emoluments, or by reference to any remuneration which he may receive for registration work under the new system.

Elections.—With the imminent return of parliamentary elections the electoral machinery has engaged the attention of Parliament. The pre-war practice of annual revision of the electoral register has not been maintained during the war years and, as the preparation of an up-to-date register under the old system of house-to-house canvass is not practicable at the present time, Parliament in its wisdom has decided to make use of a war-time innovation, namely the National Register, as a ready means for compiling a new electoral register. C. 23, the Parliament (Elections and Meeting) Act, which follows substantially the United Kingdom Act of 1943 of the same name, deals with registration of electors and facilities for voting at parliamentary elections and also removes certain obscurities in the law relating to the direction and conveyance of Parliamentary writs. S. 5(1) adopts for elections to the Northern Ireland Parliament the system of registration based on the National Register provided for in the United Kingdom Act for elections to the Westminster Parliament. S. 5(2) of c. 23 provides for an overriding franchise qualification of continuous residence in the United Kingdom during the seven years before the election except in the case of persons born in Northern Ireland or persons absent on War Service. The Act gives effect to the amendments which have been made in the United Kingdom Act of 1943 by the amending Act of 1944. The principal amendment is the suspending of the two months' residence qualification in a constituency in the case of civilian voters and a similar suspension of occupation qualification in the case of business premises. S. 23 of c. 23 enacts that on the expiration of the U.K. amending Act the Northern Ireland law will come into line with the U.K. Act of 1943 as originally enacted.

3. ISLE OF MAN

[*Contributed by* HIS HONOUR R. D. FARRANT.]

THE wartime legislation of the Manx Legislature for 1944 was of small compass.

Pensions.—The Pensions and Determination of Needs Act amended the law with respect to the treatment of capital assets and superannuation payments, for the purpose of determination of needs with respect to supplementary pensions, and amends the (Manx) Old Age Pensions Act, 1939, as respects the calculation of the means of blind persons and for reciprocity with the United Kingdom.

The Old Age and Supplementary Pensions Act gives power to the Pensions Board and Mental Hospital Board to enter into an arrangement for the removal and admission of pensioners to the infirmary and for the provision by the Board in the infirmary of pensioners in the infirmary whether or not such pensioners are poor persons within the meaning of the Poor Relief Acts, and for the setting aside of parts of the infirmary for the exclusive use of pensioners to be approved by the Governor and Tynwald and that so long as it is used for such purpose, the infirmary shall not be regarded as a poor law institution, and the pensioner shall not have his or her pension or supplementary allowances suspended whilst residing therein and his or her needs shall be deemed to be the difference between the rate of pension and the average cost of maintenance and such pensions and allowances shall be paid to the Mental Hospital Board, the expenses of removal to be defrayed by that Board all being subject to the consent in writing of the pensioner.

Milk.—The Local Government (Milk and Dairies) Amendment Act extends the period to 1948 of the power of the Board to suspend or modify by-laws as to the production and supply of milk.

Workmen's Compensation.—The Workmen's Compensation Act extends the benefits of the Act to workmen suffering from pneumoconiosis, increases the Government contribution to the medical expenses fund, gives power to disregard earnings of a widow in respect of war work, the contribution of weekly payments in cases of changes in rates of remuneration, and certain consequential amendments in the schedules.

The Workmen's Compensation (Temporary Increases) Act provides for supplementary allowances at a rate not exceeding 10/- per week, 10/- per week for a wife and 5/- a week for each child up to 15 or 16, and, if disabled, to two-thirds of his earnings less his earnings after accident, but not less than 5/- per week, increasing the total lump sum settlement and children's allowances from £600 to £700 and not less than £300, the Act to remain in force to December 31, 1946.

Frustrated Contracts.—The Law Reform (Frustrated Contracts) Act provides for the adjustments of the rights and liabilities of parties to frustrated contracts and for the application of the Act to particular contracts.

Highways.—The Highway (Amendment) Act extends certain clauses of the principal Act to all mechanically propelled vehicles adapted for use on the roads and to all vehicles drawn by them.

Intoxicating Liquors.—The War Emergency Fees Act repealed the Act reducing fees payable for licences to sell intoxicating liquors.

Young People's Welfare.—The Education (Young People's Welfare) Act provides for the setting up of an Education Authority Welfare Committee, the progressive development and comprehensive organization of matters relative to the physical, mental and moral welfare of young persons, and for the power of the authority to recommend grants out of the Insular Revenue towards salaries and other expenses of any voluntary organization with which it may co-operate on terms and conditions prescribed by the authority. In particular, the authority may supply or maintain or aid in supplying and maintaining:—(*a*) Holiday or School Camps. (*b*) Centres and equipment for physical training, playing fields, school baths, school playing fields, rifle ranges. (*c*) Other facilities for education or social or physical training in day or evening. (*d*) Libraries for which the authority may levy the rate of 1d. in the £. (*e*) Vacation school classes, play centres or other recreations in holidays or other times.

Power is given to the authority to buy or lease premises in which to carry on welfare work and Tynwald may make grants towards the expenses of carrying on welfare work, to buy or lease land, out-buildings, and equip them for gymnasium, playing fields, holiday camps, or centres for clubs and country, having athletic, social, educational, mental or moral objects and the cost of management thereof. Power is given to the Council of Education and Tynwald to make an order prohibiting the attendance of children without adults at cinemas after 9 p.m., or from resorting to fun fairs.

4. EIRE

[*Contributed by* A. DENIS PRINGLE, ESQ., *Senior Counsel.*]

PUBLIC Acts passed, 22. Private Acts passed, 1.

Children's Allowances.—An Act of unusual importance, having regard to the projected legislation in Great Britain and elsewhere, is the Children's Allowances Act (No. 2), which provides that, where a person is resident in Eire, and is either an Irish citizen, or has been for two years resident in the State, and maintains three or more children under sixteen years of age, such person shall, on proper application, be paid a weekly allowance of two shillings and sixpence for each child in excess of two. In order to be eligible for an allowance, the child must be ordinarily resident in the State, not detained in a reformatory or industrial school, and not permanently resident in any institution the costs of his maintenance wherein are wholly defrayed by the governing body of that institution out of public moneys or out of the funds of a local authority. "Investigation officers" are to be appointed by the Minister for Industry and Commerce to investigate claims referred to them by the Minister. Claims are to be made to the Minister and questions arising thereon to be determined by "deciding officers " appointed by him subject to an appeal to one or more " referees " selected by the Minister from a panel of referees appointed by him; and the decision of such referee or referees is to be final and conclusive. S. 11 provides for the repayment and recovery of allowances wrongly paid, and s. 12 creates penalties for false statements and for knowingly obtaining or receiving wrongful payments under the Act. Children's allowances are not to be taken into account in assessing damages under the Fatal Accidents Acts, or compensation under the Workmen's Compensation Act (s. 14), nor are they to be reckoned as " means " for the purposes of the Old Age Pensions Acts, Unemployment Assistance Acts or Widows' and Orphans' Pensions Acts, or for the purposes of any abatement provisions in any enactment relating to superannuation or pensions, and in granting relief (otherwise than in an institution) a public assistance authority is not to take children's allowances into consideration, except so far as same exceeds five shillings per week (s. 15). The allowances are made inalienable and are not to be included in calculating " means " under the Debtors Act. S. 19 enables the Minister, with the consent of the Minister for Finance, by order made within one year from the passing of the Act, to do anything which appears necessary or expedient for bringing the Act into operation, and it is provided that such order " may modify the provisions of this Act so far as may appear necessary or expedient for carrying the order into effect." Such an order is to be laid before each House of the Oireachtas, and may be annulled by a resolution of either House passed within the next twenty-one days after it sits after the order is laid before it (s. 19). The Minister is empowered to make regulations for carrying the Act into effect.

Constitution.—The Constitution (Verification of Petition) Act (No. 8) prescribes the manner in which signatures of members of the Dáil and Seanad under Article 27 of the Constitution (dealing with References of Bills to the People) are to be verified, namely, either by the Clerk or Clerk-Assistant of the Dáil or Seanad respectively, or by a District Justice, Commissioner for Oaths, or Garda officer not below the rank of superintendent. Certain acts in connection with the signing of such petitions are made " corrupt practices " under the Prevention of Electoral Abuses Act, 1923.

Education.—The Local Authorities (Education Scholarships) Act (No. 13) provides for the making of schemes (subject to the approval of the Minister for Education) by local authorities for the award of scholarships and other like payments to young persons to assist them to attend or to continue to attend " approved schools." The Minister is to prescribe the examination tests to be passed by candidates for scholarship and the maximum and minimum age-limits. Scholarships may only be awarded with the previous approval of the Minister, and all disputes arising in relation to the interpretation or construction of a scheme under the Act are to be determined by his final and conclusive decision. The powers conferred on local authorities are in addition to those vested in them under the Irish Universities Act, 1908. An " approved school " under the Act must be approved by the Minister and must be either a school or college providing secondary, continuation, or technical education, or a school, college, or other institution providing instruction or training in agriculture, forestry, teaching, or other vocational subject.

Finance.—The Finance Act (No. 18) continues income-tax and surtax at the previous rates. A " children's allowance " is exempt from Income Tax, but the deduction allowed for children is reduced, in respect of each child in excess of two, from sixty pounds to forty-eight pounds for the year beginning on the 6th day of April, 1944, and to forty-three pounds for every subsequent year. Deductions in respect of dependent relatives are extended to include a son of the claimant upon whose services he is compelled to depend, in the same way as in the case of a daughter. Sweepstakes organized by the Irish Red Cross Society are exempted from tax under Schedule D, and the Revenue Commissioners are empowered to make emergency allowances in respect of machinery or plant acquired for the sole purpose of overcoming difficulties arising from the emergency, subject to power to review such allowances in the event of such machinery or plant being disposed of before the end of the accounting period. The avoidance of payment of Corporation Profits Tax by the incorporation of "subsidiary companies" is dealt with in s. 14, and the following section empowers the Revenue Commissioners (subject to an appeal to the Special Commissioners), where they are of opinion that the main purpose for which any transaction was effected was the avoidance or reduction of liability to Corporation Profits Tax, to make such adjustments as they think fit to counteract such avoidance or reduction of liability.

Fisheries.—The Fisheries (Amendment) Act (No. 6) amends the Act of 1939, by extending the prohibition of the use of certain devices for the taking of salmon or trout to the taking of "salmon or other fish." S. 26 of the earlier Act (dealing with the use of poison, etc., or explosives) is repealed, and a new and more extensive section enacted making it an offence to steep in any river or lake any flax or hemp, or to throw, empty, or cause to flow into any river or lake any lime or spurge, or to throw, empty, or cause to flow any other deleterious or poisonous matter into any river or lake, save under licence granted by the Minister for Agriculture.

Midwives.—The Midwives Act (No. 10) repeals the earlier Acts and contains comprehensive new provisions in regard to the registration and control of midwives. A Central Midwives' Board is established. Part III provides for the maintenance by the Board of a roll of midwives and for the registration thereon and removal therefrom of midwives. An appeal against an order removing a midwife from the roll may be brought either to the High Court or to the Minister (but not to both). In the case of a successful appeal the Board may pay compensation for loss of practice. The Board is entitled, on removing a midwife from the roll, to direct that she shall not be employed in any capacity in a maternity home. Midwives' certificates are to be issued by the Board. "Local Supervising Authorities" are to have general supervision over midwives practising in their district and have certain powers of suspending a midwife from practice, consequent upon a charge against her which has been reported to the Board and pending proceedings for her removal, where they are of opinion that it is necessary to do so for the purpose of preventing the spread of infection. Badges are to be issued to midwives and they are required to call in to their assistance a registered medical practitioner in the case of emergency. Under Part IV of the Act it is made illegal for any person to attend a woman in childbirth, unless such person is a midwife, or a doctor, or is undergoing training to become a midwife or doctor, or in the case of sudden or urgent necessity where neither a midwife or doctor is immediately available.

Transport.—The most important Act passed during the year was the Transport Act (No. 21), re-introduced and passed after it had caused a General Election, and after the setting-up of a Tribunal to investigate and report on dealings in Great Southern Railways stocks between certain dates. The Act is divided into eight parts and contains 135 sections and 10 schedules. Chapter II of Part 2 provides for the incorporation of a new company (Córas Iompair Eireann), for the dissolution of the Great Southern Railways Company and the Dublin United Transport Company, Limited, and for the transfer of their undertakings to the new company. The purposes of the new company are (*a*) to operate transport services by railway, tramway, inland navigation, sea, air or road; (*b*) to carry on any ancillary or supplementary business, including the manufacture, repair and maintenance for itself or any other person, of transport vehicles and parts and equipment thereof. C. III contains the financial provisions in regard to the company. The capital is not to exceed twenty million pounds and provision is made for the substitution of stock in the new company for that formerly held in the dissolved companies. The directors of the company may, with the consent of the Minister for Finance, create and issue debenture stock, and all the debenture stock is to be guaranteed by the State. S. 19 provides for the creation and issue of common stock, the dividends on which in respect of any year are only to be payable out of the profits of the company applicable to the payment of dividends in that year and are not to exceed six per cent. The chairman of the company is to be appointed by the Minister for Industry and Commerce and is to hold office for such term and upon such conditions as the Minister after consultation with the Minister for Finance may fix. He may resign on three months' notice and may be removed from office by the Minister for stated reasons. He may not, while holding office, be a member of the Dáil or Seanad, and must not hold any common stock in the company. The chairman alone is to constitute a quorum at a meeting of the board of directors, no such meeting shall be held unless he is present, and no decision may be made without his concurrence. C. VI deals with officers and servants of the dissolved companies whose office or situation is abolished or interfered with to their detriment, and provides for the payment of compensation to such officers and servants. A superannuation scheme may (and shall, if so required by the Minister) be prepared by the company and submitted to the Minister for confirmation, and all existing superannuation, pension, provident, widows' and orphans' or other benefit funds or schemes of the dissolved companies must be submitted to the Minister for confirmation and, unless so confirmed, are to cease to be in force. All appointments to any office or situation in the clerical grades of the service of the company (save for a proportion thereof approved by the Minister) are to be made by open competitive examination, at which Irish is a compulsory subject. The Minister may by order require the company to establish and maintain such railroad or water services as he thinks fit, and it is an offence punishable by substantial fines for the company to fail to comply with such an order. S. 59 gives power to the company to subscribe or guarantee money for charitable or benevolent objects, and for any exhibition or any public, general or useful object. All permanent public notices and signs (including the names of stations) and tickets must be in Irish, but may be in both Irish and English. Part 3 of the Act provides for the establishment of a Transport Advisory Committee to report and advise the Minister on any matter referred to it by him. It has power to hold inquiries before reporting to the Minister and to summon and examine witnesses on oath at such an inquiry. Part 4 deals with Transport Charges. Existing classification of merchandise and standard charges are to remain in force, but the Company may, and if required by the Minister shall, submit proposals for revision thereof, and the Minister has power to alter the classification or maximum rates. Provision is also made for the fixing of maximum charges for road merchandise transport. S. 75 provides for the protection of ports, and the company may not place any port at an undue disadvantage with any other port. The Minister is given wide powers of settling disputes arising between the company and traders. Maximum charges are fixed for the carriage of merchandise by canal. The existing Railway Tribunal is abolished and its functions (other than those expressly reserved to the Minister) transferred to the High Court, to be exercised by a Judge who may be assisted by two Assessors nominated by the Minister, one from a panel of persons experienced in commercial and industrial affairs, and the second from a panel of persons experienced in transport affairs. By s. 125 the provisions already existing in the case of railway and canal undertakings in regard to undue preference and reasonable facilities are extended to road passenger and merchandise licensees. The prior consent of the Minister is required before any person may acquire compulsorily land or premises occupied by a body corporate for the purposes of any transport undertaking.

II. NORTH AMERICA

1. DOMINION OF CANADA

[*Contributed by* JAMES FRANCIS, ESQ., *Counsel, Department of the Secretary of State, Ottawa.*]

THE Fifth Session of the Nineteenth Parliament began on January 27, 1944, and closed by Prorogation on January 31, 1945. Of the 174 Acts passed and comprised in the Statutes of 1944-45, 52 were public, 12 were private and 110 dealt with divorces. The public legislation foresees the termination of the war and prepares to meet post-war problems. Measures of social security and reform still rank in the foreground with continued reliance chiefly on private enterprise, but the evident aim is to maintain high levels of employment by judicious State action, where necessary, in monetary policy, in regulation, and in direct spending.

Agriculture.—C. 29 is an Act to provide support for prices of agricultural products during the period of transition. It establishes an Agricultural Prices Support Board which, in accordance with regulations to be approved by the Governor in Council, shall have authority to pay to producers of farm products the difference between the price prescribed by the Board for any product and the average price at which it is sold during a specified period. The Board shall also have authority to purchase at the prescribed price any farm product and to sell or otherwise dispose thereof; to purchase and export agricultural products under contract between the Canadian Government and any other Government, and to purchase for government departments any farm products they may require. In prescribing prices it is to endeavour to secure adequate and stable returns for agriculture by promoting orderly adjustment from war to peace conditions, and a fair relationship between the returns from agriculture and those from other occupations.

The Farm Improvement Loans Act (c. 41) is intended to encourage the provision of intermediate-term and short-term credit to farmers for the improvement and development of their farms and of farm conditions. It authorizes the Minister of Finance to pay to any chartered bank the amount of any loss sustained in respect of a farm improvement loan when the loan has been made in accordance with the conditions prescribed. The principal amount of the loan must not exceed three thousand dollars, it must be repayable in full in ten years, the rate of interest must not exceed five per cent. per annum, and the loan must have been effected for the purposes specified. The total of the losses payable to any bank must not exceed ten per cent. of the aggregate principal amount of guaranteed farm improvement loans made by such bank. Claims under the Act will be limited to loans by all banks to an aggregate principal amount of two hundred and fifty million dollars, and to loans made within three years from the commencement of the Act. As Canadian banks have hitherto been precluded from lending on the security of real-estate mortgages special provision is made, in respect of loans exceeding two thousand dollars for periods in excess of five years, to enable the bank to take as security a mortgage or hypothec, or the assignment of the rights of a purchaser under an agreement for sale, and it shall have in respect of such security all the rights and powers that it might exercise if such mortgage, hypothec or assignment had been taken by way of additional security under the Bank Act. As indicated elsewhere, the provisions of the Bank Act are concurrently extended and enlarged to enable the banks to carry out the intention of the present enactment.

Aviation.—C. 28 amends the Aeronautics Act (R.S.C., 1927, c. 3) to provide for the establishment of an Air Transport Board to advise on matters connected with the development of civil aviation, and to perform the functions of a licensing and regulatory body in respect of commercial air services. The amendment adds two new parts to the Act dealing with the powers and duties of the Board.

The Department of Transport will continue to administer such portions of the Act as do not come within the purview of the Board. The regulatory and licensing powers of the Board cover the field of commercial aviation quite comprehensively. S. 18 provides that an appeal shall lie from the Board to the Supreme Court of Canada upon a question of jurisdiction or a question of law, or both. On the hearing of any appeal, the Court may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion. C. 25 concurrently amends the Transport Act (c. 53 of the statutes of 1938) by removing commercial air services from the jurisdiction of the Board of Transport Commissioners.

Banks and Banking.—C. 30 revises and re-enacts the Bank Act (1934, c. 24). It extends the charters of the ten commercial or so-called "chartered" banks for another ten years, specifies the types of business they may carry on, and prescribes the regulations and controls governing the conduct of their affairs. This is the current decennial revision of the Bank Act of 1871. It provided the customary opportunity for a full-dress review of the efficiency with which the banks are serving the public need and for making such amendments to the law as changing conditions require. It also provided an excellent opportunity for parliamentary discussion of some of the newer doctrines pertaining to banking and finance.

The present revision comes appropriately at the end of a period of depression followed by war and the beginning of a period of transition from war to peace and, it is hoped, of substantial progress in the fields of economic and social progress. Some assurance of continued progress is taken from developments since the last revision in 1934, which include the establishment in 1935 of a central bank—the Bank of Canada—and its conversion in 1938 into a government-owned as well as a government-controlled agency. In 1939 an Act was passed authorizing the establishment of a central mortgage bank, but the war intervened and action to implement this legislation was deferred. It is understood that consideration may soon be given to re-enacting this Act in a modified form to make possible cheaper long-term credit. During the session just ended another Act has been passed (c. 44) authorizing the establishment of an industrial development bank whose immediate concern will be the provision of working capital for small or new industrial enterprises whose needs are not met, or are not fully met, by existing financial facilities. Other Acts passed during this session include the Farm Improvement Loans Act (c. 41), whose objective is to encourage the banks to make intermediate and short-term loans to farmers for the improvement and development of their properties and the amelioration of agricultural living conditions generally. It becomes apparent that the post-war problems of finance are to be attacked on a broad front and if they are not all successfully solved it will not be because of any lack of enthusiasm or of variety in the measures proposed.

The policy whereby all Canadian banknotes in circulation in Canada will eventually be issued by the Bank of Canada has been extended. The present amendments preclude any new bank that may be incorporated from issuing banknotes. Banks now established are to reduce their note issue in Canada by January 1, 1945, to twenty-five per cent. of their paid-up capital, and to retire all notes outstanding in Canada by January 1, 1950. Existing banks will thereafter be allowed to issue notes for circulation outside of Canada, but only to a maximum of ten per cent. of their paid-up capital. A further amendment deals with unclaimed balances and enables the banks to terminate their liability in respect of all ten-year-old deposits, cheques, drafts or bills of exchange by paying to the Bank of Canada the amount of the debt with interest, if any, to the date of payment. This means that all such unclaimed balances, formerly retained indefinitely by the banks, will no longer be held by them. With regard to all other banking transactions a thirty-year limitation is placed on the liability of the banks in respect of any act or omission. The maximum rate of interest that may be charged by the banks on ordinary loans is reduced from seven to six per cent. per annum. Another provision intended to facilitate the making of small loans (not exceeding $500) to individual borrowers authorizes the banks to charge a five per cent. discount on such business. This is equivalent to an effective interest rate of nine and three-quarters per cent. per annum, which is still less than half the rate allowed to the money lenders. S. 75 now authorizes loans upon the security of lien or other notes, conditional sales contracts or other instruments or agreements made or entered into respecting the sale of goods. An amendment to s. 85 facilitates the financing of alterations to ships and vessels by enabling loans to be made thereunder in respect of ships' engines and equipment. An important change is made to s. 88 whereby the specific security formerly required in respect of trade loans becomes a continuing security for the payment of all loans or advances made or to be made under the seasonal line of credit granted on the original application. This simplifies the former laborious and cumbersome procedure without giving the banks anything in the way of additional security. The provisions of s. 88 are extended to enable the banks, with the assistance of government guarantees to the extent of ten per cent. of the aggregate amount of the loans, to make short and intermediate-term advances to farmers and fishermen upon the security of permanent improvements, machinery or equipment calculated to increase the efficiency of their operations. While the various changes probably do not go as far as some would like, they would appear, considered in conjunction with other concurrent legislation, to indicate the trend in these matters.

An amendment to the Quebec Savings Bank Act (c. 47) similarly extends the charters of the Montreal City and District Savings Bank and of the Quebec Savings Bank for the prescribed ten-year period. It also gives the savings banks the power concurrently granted to the chartered banks to terminate their liability in respect of ten-year-old deposits, cheques, drafts or bills of exchange by paying to the Bank of Canada the amount of the debt together with the interest, if any, due hereon. Other provisions of the Act concerning operations, reserves, investments and loans have been reviewed and amended in some respects.

C. 44 establishes an Industrial Development Bank designed to promote the economic welfare of the country by supplementing the activities of the existing lending agencies and by providing capital assistance to industry with particular consideration to the financing problems of the smaller enterprises. The bank is to be a subsidiary of the Bank of Canada. It will have a capital stock of twenty-five million dollars to be subscribed by the Bank of Canada, and is empowered to borrow any amount up to three times the amount of its paid-up capital stock and reserve fund by the issue of bonds and debentures, thus providing it with total resources of one hundred million dollars. The bonds to be issued will not be guaranteed by the Government, but will be an eligible investment for the Bank of Canada, and it is anticipated that they will be sold to other purchasers as well. The bank may make or guarantee loans to any person engaged in or about to engage in an industrial enterprise in Canada, to whom the necessary credit or other financial resources would not otherwise be available, if it is satisfied that the amount of capital invested or to be invested is such as to afford the bank reasonable protection. It is believed that the establishment of the bank will be of particular value to small business and industrial undertakings which have hitherto been handicapped to some extent in obtaining medium and long-term capital. Except as expressly provided in this Act the provisions of the Bank Act are not to apply, but the bank will benefit from certain provisions of the Bank Act respecting securities. It shall not buy or hold any stock, bonds or debentures other than those acquired in respect of loans or underwriting agreements made or entered into for the purposes of the Act, or as security thereon, and it shall not accept deposits from others than its own debtors.

Civil Service.—The Civil Service Superannuation Act (R.S.C., 1927, c. 24) is amended by c. 34. The amendments reopen the right of election to contribute for a period of one year from August 15, 1944, in the case of civil servants who were eligible but failed to elect prior to July 19, 1927. They also reopen for the same period the right of election for civil servants who have been contributing to the older Retirement Fund. A further concession is the reopening of the right of all old contributors to contribute in respect of prior service (i.e., periods of service prior to the election of the contributors to come under the Act), and provision is made to implement the principle that no service shall be counted towards superannuation unless contributions in respect of it have been made. Further changes have been made (1) providing for the return of contributions on the retirement or dismissal of a contributor with less than ten years' service; (2) concerning the allowance to be granted to new contributors whose positions have been abolished; (3) authorizing the granting of allowances to new contributors retired for reasons of disablement or inefficiency; (4) authorizing the granting of gratuities to specially dependent children, and (5) authorizing, as a minimum return, repayment of contributions where no allowance or gratuity has been paid. The definitions of "civil servant" and "civil service" have been enlarged to enable the provisions of the Act to be extended to artisan employees and others paid at prevailing hourly rates of pay, and to persons employed in various branches or positions in the public service formerly excluded from the benefits of the Act. Another change enables contributors who have been appointed to diplomatic and consular posts to continue to be contributors under the Act. A further provision regarded with satisfaction by the civil service concerns the establishment of a Special Account in the consolidated revenue fund, to be known as the Superannuation Account, and the addition to this account annually of interest on the moneys therein at such rate as may be prescribed by the Governor in Council.

Criminal Law.—A long-awaited amendment to the Criminal Code has finally been implemented by c. 35. From now on the sentence of imprisonment to be imposed upon persons convicted of postal thefts will be in the discretion of the courts, based on the facts of the particular case. This has been brought about by eliminating from ss. 364 and 365 the minimum term of three years imprisonment provided therein. With this gesture of enlightened humanitarianism the legislator has concurrently raised the penalty for a particularly obnoxious set of offences, namely, with regard to the sale and delivery of defective military stores. For such offence, and for the commission of any act of dishonesty, fraud, or deception in connection with the manufacture, sale or lease of naval, military, air or militia stores of any kind, the penalty is increased from two to seven years imprisonment, and from a five thousand to a fifty thousand dollar fine. Both imprisonment and fine may be imposed, as formerly.

Courts and Judiciary.—C. 3 provides for the appointment of an additional judge to the Exchequer Court of Canada, the Court henceforth to consist of the President and two puisne judges. The amendment contains the necessary ancillary provision conferring upon the judges of the Court severally and respectively the power, authority and jurisdiction heretofore vested by Statute in the judge or a judge of the Court.

C. 45 is an Act to amend the Judges Act (Annuities). Prior to the present amendment a judge was entitled in the event of retirement to an annuity or pension but no pension was payable to his widow. The effect of the amendment is to enable a judge to make an election to divide his pension so that on his retirement his wife will receive one-third of the amount payable. If he should subsequently die in office his widow will receive a pension equal to two-ninths of his salary. The share of the widow has been determined in relation to the amount of the pension, which at present is in most cases two-thirds of the salary. The Judges Act applies to the judges of the Supreme and Exchequer Courts of Canada and to the judges of all provincial superior courts and county or district courts. The amendment contains a proviso limiting the amount of the annuity payable to the widow of a county or district court judge with less than five years' service to one-ninth of his salary. Annuities granted pursuant to the amendment are to cease on the re-marriage of the annuitant.

Customs and Excise.—Several new sections have been added to the Special War Revenue Act (R.S.C., 1927, c. 179) by c. 48 to facilitate the collection of the retail purchase and entertainment taxes introduced in 1942-43. The present amendments are designed to place the liability for the tax on the vendors and operators when they have failed to collect it or having collected it have neglected to pay it in. Persons responsible for the collection of these taxes will now be required to keep records for inspection by the department's auditors, and the department may make assessments whenever it is evident that proper returns have not been made or the tax has not been paid. A further provision enables several offences to be included in one information or complaint instead of laying a separate complaint for each offence, as formerly. Reductions are authorized in the excise tax on the lower priced cigars and on sugar, and exemption from the sales tax is extended to baling twine and grain loaders for farm purposes, motion picture films and records of an international and educational character, to the wearing apparel and other personal and household effects of British subjects domiciled in Canada who have died abroad, and to personal effects and heirlooms acquired by any resident of Canada as the gift or bequest of anyone resident abroad. No new taxes are levied nor is there any increase in the rates of existing taxes.

Changes are made by c. 36 to some seventy-four items of Schedule A and to three items of Schedule B to the Customs tariff.

Family Allowances.—C. 40 enacts the widely discussed Family Allowance Act whereby a monthly allowance is to be paid from July 1, 1945, in respect of each child registered under the Act. The rate of the monthly allowance ranges from five dollars in the case of children under six, to eight dollars for those from thirteen to sixteen. Payment of the allowance begins with registration, and ceases when the child attains its sixteenth birthday, or when, although fit to do so, it fails to attend school or to receive equivalent training, or dies or ceases to reside in Canada or, in the case of a girl, when she marries. Where there are more than four children in any family the allowance is reduced in respect of the fifth child by one dollar, in respect of the sixth and seventh respectively by two dollars, and in respect of the eighth and each additional child respectively, by three dollars. To prevent abuses, it is stipulated that the allowance shall be applied exclusively towards the maintenance, care, training, education and advancement of the child. Failure to observe this requirement may result in the allowance being discontinued or paid to some other person or agency. Payments under the Act are exempted from taxation and from the operation of any bankruptcy or insolvency law, and may not be assigned, charged, attached, anticipated or given as security. In the initial month of operation (July, 1945) a total of $17,560,934 was paid to 1,237,754 families in respect of 2,956,844 children, an average allowance per family of $14.18 and per child $5.94. It was estimated that in August, with the registration more nearly complete, 1,300,000 families with 3,104,400 children would receive $18,440,136.

Fisheries.—The Fisheries Prices Support Act (c. 42) proposes to do for the fishermen in respect of prices what the Agricultural Prices Support Act (c. 29) proposes to do for the farmers. It establishes a Fisheries Prices Support Board which, with the approval of the Governor in Council, shall be authorized to pay to producers of fisheries products the difference between the price prescribed by the Board and the average selling price during a specified period. The Board is to have the power to purchase available fisheries products at the prescribed price and sell or otherwise dispose of them; purchase and export fisheries products under contract between the Canadian Government and any other Government, and purchase for government departments any fisheries products required by such departments. In prescribing prices under the Act the Board is to endeavour to secure adequate and stable returns for the fisheries by promoting orderly adjustment from war to peace conditions, and a fair relationship between the returns from the fisheries and those from other occupations.

Insurance Companies.—C. 32 amends the Canadian and British Insurance Companies Act, 1932, by extending the investment powers of companies registered thereunder to include bonds or notes secured by mortgages or hypothecs on real estate or leaseholds when such mortgages or hypothecs are insured by the Federal Housing Administrator of the United States of America. It further provides that any such company may lend its funds on the security of real estate or leaseholds if the mortgage or hypothecs securing the loan is insured by the United States Federal Housing Administrator.

Naval Service.—C. 23 is an Act respecting the Naval Service of Canada. It has been enacted to remedy defects in the former statute (R.S.C., 1927, c. 139) revealed by experience in the direction and management of the Service. The former Act has been amended and consolidated and forms Part I of the new Act, dealing mainly with administration. It is extended by the addition of a new Part II, which is substantially the Naval Discipline Act, 1866, of the United Kingdom with minor modifications to suit Canadian requirements. The latter Act and Acts in amendment thereof, and the King's Regulations and Admiralty Instructions, in so far as they are part of the law of Canada, are repealed. It is apparent that the revision is designed to bring the Act abreast of modern naval conditions, and into alignment with the increased importance in recent years of Canada's Naval Service. The Act contains a number of points of general interest. For instance, the term "seaman" is no longer used to designate all naval personnel other than officers. It is now commonly used to designate a branch of the Service, i.e., the "Seaman Branch" as distinguished, for example, from the "Engine-room Branch." The word "man" is the term in use to-day to designate personnel who are not officers. Contrary to popular belief, a cadet undergoing training at the Royal Canadian Naval College is not a member of the naval forces of Canada. He is, however, subject to naval law and discipline, and is brought within the provisions of Part II of the new Act "to such extent and subject to such regulations as the Governor in Council prescribes." S. 121 specifies that nothing in the Act shall supersede or affect the authority or power of any court or tribunal or ordinary civil or criminal jurisdiction in respect of any offence which may be punishable by the common or statute law, or prevent any person being otherwise proceeded against and punished in respect of such offence.

Radio Broadcasting.—The Canadian Broadcasting Act, 1936, is amended by c. 33 to provide for the appointment of a full time Chairman to the Board of Governors of the Canadian Broadcasting Corporation. The amendment implements a recommendation to this effect made by the Special Committee of the House of Commons on Radio Broadcasting in its report dated July 27, 1944.

Railways.—The Canadian National Railways Refunding Act, 1944, (c. 9) authorizes the Governor in Council to provide for the refunding of matured, maturing and/or callable stocks, notes, obligations, bonds, debentures and other securities of the Canadian National Railway Company and of any of the companies comprised in or controlled by Canadian National Railways. Subject to the provisions of the Act the company may issue notes, obligations, bonds, debentures or other securities in respect of such refunding to an aggregate principal amount not exceeding two hundred million dollars, the principal and interest of which may be guaranteed by the Dominion Government.

The Canadian National Railways Financing and Guarantee Act, 1944 (c. 14) authorizes the Canadian National Railway Company to issue notes, obligations bonds, debentures or other securities at such rates of interest and subject to such other conditions as the Governor in Council may approve, to an aggregate amount not exceeding $10,549,500, to provide the moneys necessary to meet capital expenditures or capital indebtedness made or incurred by the National Railways System during 1944. The Governor in Council may authorize the guarantee of the principal, interest and sinking funds (if any) of these securities. The Minister of Finance with the approval of the Governor in Council may make temporary loans to the company to meet authorized expenditures as set forth in the Act, such loans to be secured by the securities which the company is authorized by the Act to issue.

Reconstruction.—The Department of Reconstruction Act (c. 18) sets up a new ministry under the direction of a Minister of Reconstruction, who will be responsible for preparing and co-ordinating plans and projects for reconstruction and making provision for carrying out such plans. The term " reconstruction " is broadly defined by the Act and means the re-establishment in civil life of the men and women of the armed services and of persons released from war industries, and the reorganization of industry, in order to provide maximum production and full employment during and following the change over from wartime to peacetime production, and includes every undertaking by Dominion, provincial or municipal authority or by any corporation or other person that may contribute to such reorganization. The Minister is required, *inter alia,* to co-ordinate the actions of other departments and agencies of the Dominion Government, to formulate plans for industrial development and conversion, public works and improvements, housing and community planning and the conservation and development of natural resources, and to provide for carrying out such plans. The Act is to remain in force during the " period of reconstruction," defined as the period beginning April 1, 1944, and continuing until the end of the session of Parliament of the fourth year following the cessation of hostilities.

The National Housing Act, 1944 (c. 46), represents another broad step in the Government's post-war programme. It is intended to promote the construction of houses the need for which is emphasized by the present scarcity, to encourage the repair and modernization of existing accommodation and the improvement of housing and living conditions generally, and to further the expansion of employment following the end of the war. It enables the Government to join with approved lending institutions in the making of loans for the construction of houses to be rented, and the sharing of losses, if any, in respect of such loans, and to make loans to limited-dividend housing corporations to assist in the financing of low-rental housing projects. A special feature of the Act empowers the Government to authorize life insurance companies to purchase, lend and construct thereon and manage low or moderate cost rental housing projects, including accommodation for retail stores, shops, offices and other community services, and to authorize certain guarantees in respect of such investments. Another important feature is the power given to the Government to make direct grants to municipalities for the purpose of assisting in the removal of slum and other substandard areas. Provision is also made to encourage the making of housing loans in rural areas, and to enable the Government to enter into contracts with manufacturers of building equipment to assure the production of components for rural homes on an economical cost basis. Further provisions empower the Government to guarantee loans for the repair, alteration and extension of existing homes, and to carry on and promote technical research and investigations designed to lower housing costs, to secure better housing conditions and the more efficient planning of communities. The definition of a lending institution has been extended to cover not only insurance, loan and trust companies, but also trustees of trust funds, building societies, credit unions and other co-operative credit societies authorized to lend on real property. Loans made under the Act will bear interest at a rate not to exceed four and one-half per cent. In the ordinary case the maximum term of the loan will be twenty years, but this may be extended to thirty if there is sound community planning and adequate zoning restrictions. An interesting clause enables a borrower to take out reducing term insurance to pay the outstanding balance of his loan in the event of his death; in certain cases the purchase of this type of insurance may be made mandatory. The Government is authorized to investigate housing conditions here and abroad, to find out how houses may be built most economically and efficiently, to prepare plans for low-cost houses and to distribute them to advantage, to promote a better understanding for the need for community planning, and to co-operate with local authorities in investigating problems of land utilization and community planning.

A new Government agency, the Export Credits Insurance Corporation, is set up by the Export Credits Insurance Act (c. 39). The objective is to promote the revival of trade by establishing a corporation to insure against loss caused by insolvency, delays in collection and transfer difficulties in connection with the export of Canadian-produced goods during the transition period by providing for loans or guarantees to governments of other countries or their agencies. The corporation is to have an authorized capital of five million dollars, and power to issue and sell bonds and debentures. For the purpose of facilitating and developing trade between Canada and other countries the corporation may insure exporters against the risk of loss involved in the export of Canadian goods. For the purposes of the Act the term " loss " means the loss accruing to an exporter upon non-payment, when due, of the purchase price of the goods exported, by reason of the insolvency or delay of the importer or his inability to obtain the currency with which the purchase price is to be paid. Under Part II the Minister of Finance may be authorized to guarantee the obligations of and make loans to, and purchase or guarantee any security issued by the Government of any country to effect payment of Canadian-produced goods exported to it, provided that the aggregate amount of such guarantees and of such loans shall not at any time exceed two hundred million dollars and one hundred million dollars respectively.

The United Nations Relief and Rehabilitation Administration Act (c. 12) enables the Government to give effect to the Agreement for the establishment of U.N.R.R.A. signed at Washington on November 9, 1943. The method adopted is to empower the Governor in Council to do whatever may be proper and expedient for giving effect to the Agreement. Interim expenditures incurred for these operations to the amount of ten million dollars are to be paid out of moneys appropriated under the War Appropriation (United Nations Mutual Aid Act, 1943), the scope of which is for this purpose extended by c. 15. The Secretary of State for External Affairs is to report to Parliament on these operations after the close of each fiscal year.

The Surplus Crown Assets Act (c. 21) provides for the disposal of war plants, stocks and supplies that will no longer be needed by the Government following the termination of hostilities. The Act establishes a Crown company—War Assets Corporation—and gives it wide powers with respect to all such property, which it may sell, exchange or otherwise deal with as may be expedient in the public interest. The Act also provides for the appointment of an advisory committee—the Crown Assets Allocation Committee—which will report on all questions referred to it or presented by any government department, provincial government, municipality or public body. In view of Canada's relatively large investment in war plants and materiel the operations of War Assets Corporation and the recommendations of the Committee are likely to be of importance to the industrial and economic life of the Dominion, and it is understood that the flow of surplus stocks of such materials as can be diverted or converted to civilian consumption will be redirected as far as possible through the accustomed trade channels to avoid undue competition with similar goods in current production and the accompanying loss and hardship to manufacturers and dealers. For the purpose of securing their proper disposal the Act declares that every government department shall continue to be responsible for such assets until the custody or control thereof shall have been surrendered pursuant to an order of the Minister or of the corporation.

Re-establishment.—A reorganization of the powers and activities of the Department of Pensions and National Health has resulted in the department being replaced by two new and important ministries: a Department of Veterans Affairs (c. 19) and a Department of National Health and Welfare (c. 22). The duties and powers of the Minister of Veterans Affairs are to extend and apply to the administration of all Dominion statutes and orders (those specifically assigned to other departments excepted) relating to the care, treatment, training or re-establishment in civil life of any person who has served in the naval, military or air forces of His Majesty or who has otherwise engaged in pursuits relating to war, and of any other person designated by the Governor in Council, and to the care of the dependents of any such person. Particularly, the Minister with the approval of the Governor in Council may make regulations for the control and management of, and respecting the treatment or training furnished by, any hospital, workshop, home, school or institution used for the purposes of the Act, and for prescribing the payments, grants and allowances to be made to persons being cared for therein and to their dependents; for the marking or stamping of artificial limbs and other appliances issued from the department; for the sheltered employment of former members of the Services and for the provision for them of unemployment relief; for the administration and disposal of canteen funds, and for other such matters. The powers of the Minister of National Health and Welfare (c. 22) are to extend to all matters relating to the health, social security and welfare of the people of Canada, and the new Department of National Health and Welfare is to comprise that part of the Department of Pensions and National Health not included in the Department of Veterans Affairs.

The War Service Grants Act, 1944, (c. 51) recognizes the service of members of the forces who have seen active service and will assist in their re-establishment in civil life. It provides for the payment out of the consolidated revenue fund of specified gratuities and credits to members of the naval, military, or air forces who have served without territorial limitation or in the Aleutian Islands during the present war. Payment of the gratuity may be made in certain circumstances to or on behalf of the dependents of deceased members of the forces. Specifically, the Act provides that each discharged veteran shall be entitled to a war service gratuity for every thirty days of service at the rate of seven dollars and fifty cents for service in the Western hemisphere and fifteen dollars for overseas service. In addition, every veteran whose service included overseas service shall be entitled to seven days' pay and allowances, including dependents' allowance and subsistence allowance, for each six months of overseas service. Furthermore, every veteran who does not take advantage of the provisions of the Veterans' Land Act, 1942, or of any educational, vocational or technical training benefit shall be eligible, in addition to the war service gratuity, for a re-establishment credit in an amount equal to the amount of his war service gratuity. The Act enumerates the purposes to which the re-establishment credit may be applied. It exempts from attachment, levy, seizure or assignment every gratuity or credit available to members of the forces and their dependents. In the interests of the veterans the payments are to be made in monthly instalments.

The Veterans Insurance Act (c. 49) enables the Government, without requiring medical examination or other evidence of insurability to enter into a contract of insurance with any veteran, the widow or widower of a veteran, or any war pensioner, providing for payment on the death of the insured of five hundred dollars or any multiple thereof not exceeding ten thousand dollars, the payment to be made in a lump sum not exceeding one thousand dollars to be followed, where such provision is made, by a life annuity or an annuity for a stated period of years. " Veteran " is defined by the Act as any person, male or female, who was engaged in service in the naval, military or air forces of Canada, or who was engaged in active service in the naval, military or air forces of His Majesty and was domiciled in Canada at the commencement thereof. The application must be made within a period of three years following the discharge of the veteran from the service or within three years after the coming into force of the Act (August 15, 1944). Payment of the premiums may be made over a period of ten, fifteen or twenty years or until the insured's sixty-fifth or eighty-fifth birthday. The contract may provide for payment of the premiums to be waived should the insured become totally disabled before reaching the age of sixty, if the disability is not attributable to service and therefore not pensionable. The spouse and children, or some one or more of them, shall be the beneficiaries of the insured who is married, and the future spouse and children shall be the beneficiaries of the unmarried insured. The insured may apportion and subsequently reapportion the benefits between beneficiaries as he may see fit; in default of apportionment the insurance will be paid to the surviving beneficiaries in equal shares. Insurance moneys payable under the policy are to be unassignable and not subject to the claims of creditors either of the insured or the beneficiary.

Taxation.—C. 31—the Canada-United States of America Tax Convention Act, 1944—ratifies the agreement entered into by the two Governments at Ottawa on June 8, 1944, for the avoidance of double taxation and the prevention of fiscal evasion in the case of estate taxes and succession duties. By Article VII each of the high contracting parties agrees to furnish such information as it may have which may be of value to the other in the assessment of these taxes. The Convention is deemed to have come into effect on June 14, 1941. It will continue for a period of five years from that date and indefinitely thereafter, but may be terminated by either party at the end of the five-year period or at any time thereafter on six months' notice.

The Dominion Succession Duty Act (c. 14 of the statutes of 1940-41) is amended by c. 37. The amendment extends the definition of " child " to include a child to whom the deceased stands *in loco parentis*, notwithstanding that such child has not been legally adopted. A further amendment exempts from taxation gifts with reservation of benefit to the donor in circumstances where the benefit so reserved is surrendered three years or more before the death of the deceased.

A number of amendments are made by c. 38 to the Excess Profits Tax Act, 1940, mainly to eliminate inequalities in the application of the tax. One of these amendments provides for an adjustment to the standard profits of corporate taxpayers where there has been an increase in capital employed between 1939 and 1944 through the retention in the business of profits earned during that period or by other means. Another clarifies the law relating to the computation of standard profits of companies which elect to file consolidated returns under the Income War Tax Act. Provision is made for the Board of Referees to ascertain the standard profits of a taxpayer who was not carrying on the same class of business in the standard period as in the year of taxation. The profits of taxpayers other than companies and corporations are to be subject to the deductions provided in the Income War Tax Act for depletion, interest, donations, losses, research expenses, deferred maintenance and repairs and depreciation, and proprietors giving all their time to the management of the business are to be entitled to deduct in lieu of salary such allowance as may be approved by the department, not exceeding five thousand dollars a year. A further amendment removes the requirement that a foreign country must allow a similar tax credit before a Canadian taxpayer may be allowed a credit for taxes paid in such country.

C. 43 amends the Income War Tax Act (R.S.C., 1917, c. 97) and implements some thirty-three widely varying resolutions introduced to Parliament on June 26, 1944. There are no changes in the rates of tax imposed. The total tax on individuals is reduced for 1944 by one-half the amount of the refundable portion thereof less one-half credits for savings, and for 1945 by the full amount of the refundable portion less credits for savings. The term " dependents " is extended to include parents-in-law and other persons related by marriage in the same circumstances and subject to the same conditions as parents and other dependents connected by blood relationship, and words referring to the child of a taxpayer are to include the illegitimate child of the taxpayer. The allowance for unusual medical expenses is increased by one-half, and is extended to include expenses incurred outside of Canada. The totally blind taxpayer may deduct $480 from his taxable income in lieu of the deduction in respect of wages paid to a full-time attendant, and the credits allowed to the unmarried householder with dependents are extended to married householders with dependents separated from their spouses. Henceforth persons paying alimony pursuant to an order made in an action for divorce or judicial separation may deduct the amount thereof from his income, and shall no longer be entitled to credits in respect of the wife or children for whose benefit the payments are made. Individual taxpayers may deduct the value of monetary gifts to the State. Retirement payments made to an employee in recognition of long service may be regarded as income over a period of five years. Employees may deduct from income payments to superannuation or pension funds not exceeding three hundred dollars a year, in respect of pre-contributory service, and employers may deduct over a period of ten successive taxation years special payments made to make up a deficiency in a superannuation or pension fund. Members of trades unions may deduct to an amount of three hundred dollars a year in respect of payments to an approved superannuation or pension fund paid as part of union dues. Taxpayers reaching the age of sixty-five with incomes of less than $5,000 shall be entitled to payment of the refundable portion of the tax. Limited-dividend housing companies engaged under the National Housing Act, 1938, in the construction of low-rental housing accommodation are exempted from taxation. Deductions in respect of tax paid to any other country for income tax may now be made from the tax other than the refundable portion. A further amendment repeals the provision requiring such other country to allow a similar credit with respect to income from Canadian sources. The right of the Minister to reassess or make additional assessments in respect of any tax year is limited to a period of six years from the date of the assessment. The rate of interest payable on taxes not paid when due is reduced from five to four per cent. Business losses sustained in 1944 or subsequently may be deducted from the profits of the business either in the year immediately preceding or in the three years immediately following the taxation year. Current expenditures on scientific research related to the taxpayer's business will be allowed in the year they are made and, if of a capital nature, over a three-year period. Special depreciation may be allowed at double the normal rates in respect of new investments in plant and equipment for war purposes. The usual safeguard is provided that in the event of the sale of such assets the assessments of the taxpayer may be revised by disallowing as a deduction a pro rata portion of the special depreciation allowed, to the extent of the excess of the selling price over the depreciated cost of the assets. Dividends paid to the Canadian parent company by its wholly owned non-resident subsidiary are exempted from the tax. Special provision is made for a tax credit of fifty per cent. of expenditures by enterprises organized for the production, refining or marketing of petroleum or prospecting or drilling for oil, on wells spudded in between June 26, 1944, and March 31, 1945, when such wells prove unproductive. One-half of the expenditures incurred on mining operations may in certain conditions be regarded as deferred maintenance and repairs and be deductible as an allowable expense. The tax credit of forty per cent. in respect of contributions made in 1943 to mining associations, syndicates and partnerships is extended to cover contributions made for these purposes in 1944. The provision allowing income deductions by a corporation in respect of donations to charitable organizations is amended to provide that donations in excess of the average for the two fiscal periods ending before July 1, 1942, shall be allowed for purposes of the Income War Tax Act and the Excise Profits Tax Act only to the extent that the total taxes payable are thereby diminished by forty per cent. of the said excess, unless made before February 1, 1944, and paid or evidenced in writing before that date. In the case of members of the armed forces overseas the time for serving notice of appeal is extended to one year after the date of mailing of the notice of assessment or for such further period as the Minister may allow. Further amendments give women members of the forces the same tax exemption and credits as the men. Several amendments are made to the administrative provisions of the Act respecting the filing of returns in the case of deceased persons, and the records to be kept by persons responsible for the collection of income tax from their employees.

War Measures.—C. 15 enacts the War Appropriation (United Nations Mutual Aid) Act, 1944. It follows upon the Act passed for the same purposes in 1943 (c. 17) and makes a further appropriation of 800 million dollars for these purposes. It amends the 1943 Act in a few particulars, notably by broadening the definition of war supplies by adding thereto commodities, services and equipment required by the United Nations Relief and Rehabilitation Administration. It adds " the securing of a just and enduring peace " to the broad consideration for making war supplies available under the Act.

The War Appropriation Act, 1944 (c. 16), provides for the payment out of the consolidated revenue fund of a sum not exceeding $3,650,000,000 for the prosecution of the war. This appropriation is in addition to the ordinary grants of Parliament for expenses incurred under authority of the Governor in Council for the security, defence, peace, order and welfare of Canada. Except in the amount appropriated there is no change from the similar legislation passed in 1943 (c. 32) which appropriated $3,890,000,000 for this purpose.

The War Exchange Conservation Act, 1940, is amended by c. 50. The original Act was passed for the purpose of maintaining and increasing Canada's supply of foreign exchange during the war period and prohibited the importation of certain classes of goods from countries outside the sterling area. The present amendment repeals these general provisions. The wording of Schedule 2, which applies to goods produced in the United Kingdom entitled to entry under the British Preferential Tariff, is amended by substituting the terms " synthetic textile fibres or filaments " for artificial silk or similar synthetic fibres produced by chemical processes, and " yarns of synthetic textile fibres or filaments " for artificial silk yarns.

C. 26 is an Act to provide regulations enabling Canadian War Service electors to exercise their franchise, and Canadian prisoners of war in enemy hands to vote by proxy, at any general election held during the present war, also to provide amendments to the Dominion Elections Act, 1938, consequential to such regulations or made necessary by the war. The Act repeals the Active Service Voting Regulations prescribed by Order in Council of January 27, 1940 (used in the general election of that year), and establishes the Canadian War Service Voting Regulations, 1944, and the Canadian Prisoners of War Voting Regulations, 1944. The Act and schedules appended thereto now appear to be mainly of historical interest, as the general election they contemplate was held on June 11, 1945, and the war is now at an end.

2. ALBERTA[1]

Revised Statutes.—C. 3 does not change the existing laws but corrects certain errors which have been discovered in the printing of the Revised Statutes, 1942. Some of the errors have been in the printing, such as misplaced lines, and most of the others are errors in the numbers of sections in cross references. It has been thought desirable as a matter of convenience for those making constant use of the Revised Statutes that these errors should be corrected and the corrections given statutory authority.

Natural Gas Utilities.—C. 4 established the Natural Gas Utilities Board for the purpose of conserving natural gas in the Province. The Board consists of the present Chairman of the Board of Public Utility Commissioners and the Chairman of the Petroleum and Natural Gas Conservation Board.

Part I relates to the organization of the Board and is a virtual re-enactment of Part I of the Public Utilities Act, c. 28 of the Revised Statutes of Alberta, 1942.

Part II deals with the general powers of the Board over public utilities and is also a virtual re-enactment of Part II of the Public Utilities Act.

Part III gives to the Board established by the Act new and important powers to deal with natural gas in the Province.

Hitherto the waste of natural gas in the Turner Valley field has been due largely to the fact that one producing company enjoyed the exclusive right to supply the natural gas markets. The Act declares null and void the exclusive features of all existing contracts for the supply of natural gas and provides that in all other respects contracts must be submitted to the Board for review and alteration. Municipal franchises are excluded from such provisions.

The Act declares all natural gas wells, as well as all natural gas pipe lines and scrubbing plants, to be public utilities, and the Board is given power to require the operators of such pipe lines and plants to construct whatever lines, compressors, etc., are necessary to gather in natural gas to be scrubbed and marketed, the excess to be restored to the underground formation. The Board is given power to fix the price of natural gas at all stages from the well-head to the point where it is delivered to the utilities supplying municipalities and other markets.

The Act provides that in the event of non-compliance with orders of the Board requiring the gathering in of natural gas, the Lieutenant Governor in Council is empowered to take over the management of, or to acquire by purchase or to expropriate the business of the company which has made default under the Board's order.

The Act declares every pipe-line company purchasing gas in a field to be a common purchaser in accordance with the production allowables fixed by the Conservation Board and by this means every producer of natural gas in a field is assured of an equitable share in the markets available.

Power Commission.—C. 5 establishes the Alberta Power Commission and prescribes its powers and duties. Power is defined by the Act as including hydraulic, electrical, steam, gas or other power. The Commission will consist of not more than three members to be appointed by the Lieutenant Governor in Council.

The Act is largely an Act empowering the Lieutenant Governor in Council to authorize the Commission to manufacture and distribute power, to develop waterpower, to purchase properties for the manufacture or distribution of power as well as to expropriate lands used or suitable for use for the generation or distribution of power. In the event of expropriation, provision is made for payment of compensation.

By a separate section the Commission is given power to enter upon, take possession of and manage with expropriation existing plants for manufacturing or distributing power when the proprietor has disobeyed an order of the Board of Public Utility Commissioners.

---

[1] Based on the synopsis prepared by W. S. Gray, Esq., K.C., and published by order of the Legislative Assembly.

Provision is made in the Act for the setting up of rural power districts and for the making of contracts with rural municipalities for the distribution of power in rural power districts. Power is also given to the Commission to contract with any municipality to supply power.

The Act provides that all property acquired by the Commission shall belong to the Crown in the right of the Province and that the net profits be paid, under the direction of the Lieutenant Governor in Council, into the General Revenue Fund of the Province.

Department of Public Welfare.—C. 6 creates a new department. Authority is given for the appointment of a Minister, Deputy Minister and other officials. It is provided that the department shall submit to the Lieutenant Governor in Council an annual report on the work of the department, which will be laid before the Assembly within fifteen days of the commencement of each session.

The various Acts to be administered by the department are to be fixed by Order of the Lieutenant Governor in Council.

Banking.—C. 7 is an Act to enact the Alberta Banking Powers Act which takes the place of the Alberta Banking Powers Act, being c. 39 of the Revised Statutes of Alberta, 1942

S. 2 of the Act enables the Lieutenant Governor in Council to authorize one or more members of the Executive Council to obtain the enactment of a statute incorporating the Alberta Provincial Bank and to become provisional directors thereof. It also permits them to subscribe and become shareholders therein to the extent of five hundred thousand dollars, to become directors of the Bank and to exercise all the powers and functions and perform all of the duties required under the provisions of the Bank Act.

S. 3 of the Act enables the Provincial Treasurer, with the approval of the Lieutenant Governor in Council, to pay out of the General Revenue Fund: (*a*) the costs and expenses of incorporating the Alberta Provincial Bank; (*b*) the sum of five hundred thousand dollars to enable the members of the Executive Council to become shareholders in the Bank up to that amount; (*c*) such sums as may be required to satisfy any liability upon the members of the Executive Council as shareholders or directors of the Bank.

S. 4 of the Act provides that if any member of the Executive Council ceases to be a member of the Council, he shall cease to be a shareholder or director of the Bank.

S. 5 of the Act enables the Bank to be sued and the Provincial Treasurer is required to pay out of the General Revenue Fund such sums as may be required to satisfy any judgment or liability imposed upon the Bank.

Child Welfare.—C. 8 amends and consolidates in one Act the provisions of the following Acts:

The Child Welfare Act; the Juvenile Court Act; Part VII of the Domestic Relations Act—dealing with adoptions; the Children of Unmarried Parents Act.

PART I—NEGLECTED AND DEPENDENT CHILDREN

S. 3 provides for the appointment of a psychiatrist to be attached to the Child Welfare Branch to assist in the care and placement of mental defective children and also to assist the Commission and the Superintendent in the care, training and treatment of juvenile delinquents and neglected children. The appointment of a psychiatrist was recommended in the report of the Child Welfare Committee.

S. 4 places the administration and direction of child welfare under the authority of a Child Welfare Commission of not less than three members nor more than five members. This Commission has all the powers formerly held by the Superintendent of Child Welfare who is a member of and the Chairman of the Commission. The powers of the Commission are contained in s. 5 of the Act.

S. 6 provides for the appointment of a Probation Officers Selection Committee consisting of three or more persons whose prior approval shall be necessary to the appointment of all probation officers, inspectors and child welfare workers made under the provisions of this Act. This is to provide for the appointment of persons properly qualified and trained in the handling of children.

S. 7 provides for the appointment of a Home Investigating Committee of three or more persons to approve of applications for the care and custody of children in foster homes and to arrange for the supervision and inspection of foster homes in which children have been placed for adoption or otherwise.

S. 12 provides that all inspectors and child welfare workers appointed in cities and towns shall be under the direction and supervision of the Commission. It is proposed that the Commission shall have the overall supervision and direction of all child welfare work in the Province.

S. 15 of the Act, which replaces s. 9 of the old Act, provides that a judge of the Juvenile Court may make one of two orders; either that the child be returned to his parents under the supervision of the Superintendent or that the child be committed temporarily or permanently to the care and custody of the Superintendent as a ward of the Government. Formerly the judge could commit a child to an institution but it is felt that the child should be first committed to the Superintendent, who, if he deems it desirable, may place the child in an institution.

S. 17 of the Act provides for an appeal from the order of a Juvenile Court judge to a judge of the Supreme Court. This is a new provision and is not contained in the old Act.

S. 20 of the Act provides that the Commission may require a city to make provision for the establishment of an observation home and may direct that the observation home be combined with a detention home.

The provisions relating to immigrant children and the provisions relating to the establishment of child welfare organizations have been left substantially the same as under the old Act except that no child welfare society may have a child committed to its care and custody by a Juvenile Court judge.

S. 63 of the Act provides that any person who employs a girl under the age of eighteen years in a restaurant or hotel without the consent of her parents or guardian is guilty of an offence.

The provisions relating to the ill-treatment of children have been strengthened to some extent.

S. 68 of the Act replaces the old s. 69 and it provides that the publisher of a newspaper is required to obtain the approval of the Commission before publishing any advertisement dealing with the adoption, putting out or care of children.

S. 72 of the Act enables the Minister to make regulations governing the duties of the Commission and officials appointed under the Act and governing other matters necessary to carry out the provisions of this part of the Act.

The provisions of Part II of the Act relating to Juvenile Courts Act and Part III of the Act dealing with the adoption of children are substantially the same respectively as the provisions of the Juvenile Courts Act and the Domestic Relations Act dealing with the adoption of children except that the information to be given on applications for adoption is more extensive than that contained in the old Act.

Part IV is substantially the same as the provisions of the Children of Unmarried Parents Act except that it is clearly extended to cover the case of a married woman who has given birth to an illegitimate child while living apart from her husband.

There are other minor changes from the provisions of the former Acts which are made for the sake of clarification and greater facility in dealing with matters relating to child welfare. Practically all the recommendations of the Committee on Child Welfare have been incorporated in Part I of this Act.

Consequent amendments are made by c. 28 in the Alimony Orders Enforcements Act.

Maternity Hospitalization.—C. 9 provides for the free hospitalization of maternity patients when they have resided in Alberta for the period set out in the Act, and also under special circumstances to be defined by Order in Council. Provision is made for the Minister of Health entering into agreements with the various hospitals and approved nursing homes for the hospitalization of the patients in question.

S. 4 authorizes the Minister, with the approval of the Lieutenant Governor in Council, to make regulations in connection with the details in the carrying out of the Act.

S. 5 defines the women who are entitled to the benefit of the Act and limits the period of free hospitalization to twelve days.

S. 6 provides for persons obtaining hospitalization in a semi-private ward at their own expense in so far as the extra expense is concerned, and s. 7 provides that persons may make arrangements for their own hospitalization without regard to the Act.

Apprenticeship.—C. 10 follows fairly closely the provisions of the Ontario and British Columbia Acts passed some time ago. The idea of apprenticeship training has been recommended by the Reconstruction Committee of Alberta and also by the Reconstruction Committee of the Dominion, and this enactment would enable the Province to co-operate with the Dominion Government in putting the apprenticeship idea into effect. The expense involved in this scheme would be borne as to Servicemen wholly by the Dominion, and as to others, 50 per cent. would be borne by the Province and 50 per cent. by the Dominion.

The general purpose of the Act is to require all employees over 16 and under 21 years of age to receive apprenticeship training, and it is provided that no person between those ages can be employed for more than three months without entering into an apprenticeship contract or receiving the permission of the Board constituted under the Act.

The Act applies to trades which are designated by the Lieutenant Governor in Council as trades coming within the provisions of the Act.

Under s. 4, provision is made for the constitution of a Provincial Apprenticeship Board consisting of not more than five persons appointed by the Lieutenant Governor in Council.

Provision is made in s. 5 for the appointment of a Director of Apprenticeship and for other officers necessary for the carrying out of the provisions of the Act.

Provision is made in s. 6 for petitions from employers and employees asking to have a trade designated as a trade under the Act and also for the filing with the Minister of agreements between employers and employees as to that matter. Provision is made for investigation into the propriety of having the trade designated, and after such inquiry, the Minister with the approval of the Lieutenant Governor in Council may designate such trades as may be considered expedient as coming within the Act.

Provision is made for local supervision in s. 7 by the appointment of the Advisory Committee in areas of the Province.

Provision is made in s. 8 for a Provincial Advisory Committee for any designated trade. This Provincial Advisory Committee is given authority in s. 9 to make regulations with regard to the particular trade to which it relates with regard to the qualifications of apprentices, the apprenticeship period and the number of apprentices who may be apprenticed to each employer. Regulations under this authority cannot be made which are in conflict with regulations made by the Board.

The duties of the Director are set out in s. 10, and among other duties he is required to keep a register of every contract of apprenticeship.

By s. 13 it is required that every contract of apprenticeship shall be in the form prescribed by the Board and approved by the Board. It must also be registered with the director.

Provision is made in s. 14 for presently existing contracts of apprenticeship being registered at the office of the Director, and in s. 15 provision is also made for the case of a person employed as an apprentice but not under contract.

S. 21 provides that amendments shall not be made to regulations of the Board or a Provincial Advisory Committee except upon written notice to the representative organizations of employers and employees in the trade affected.

Frozen Food Locker.—C. 11 is a new enactment. The main purpose of the Act is to provide for licensing and regulating frozen food locker plants of which there are now a considerable number in the Province and more are expected.

The Act provides that no person shall carry on the business of a frozen food locker plant without a licence.

Provision is made for the issuance of licences upon application but with a discretion to the Minister to grant or refuse any application. The Minister is given power if in his opinion the licensee contravenes any of the provisions of the Act or regulations to suspend, revoke or cancel the licence and it is also provided that no licence shall be issued by a city, town, village or municipal district for such plants unless they have first obtained a licence under this Act.

Provision is made in s. 11 for the setting up of an advisory board to confer with and advise the Minister on the administration of the Act and the regulations.

Part II of the Act deals only with frozen food locker plants which are organized under the Co-operative Associations Act, and authorizes the Government to guarantee borrowings by such a co-operative association for the purpose of acquiring and equipping a plant, and on certain conditions further borrowings after capital borrowings have been repaid. These provisions are similar to those now contained in the Co-operative Marketing Associations Guarantee Act, and ss. 3 to 7 of that Act are made to apply to any guarantees which may be authorized under this Act.

Fish Dealers.—The purpose of c. 12 is to regulate and licence persons dealing in fish, whether as fish dealers who are defined as persons other than retailers who buy fish for the purpose of resale, persons operating fishing stations which are defined as places where fish are received from the fishermen and packed or received and packed, and retailers.

S. 3 deals with licences and enumerates the different classes of licences which may be issued, and a licence may cover more than one of the classes of business mentioned. By s. 5 the Minister is given discretion as to the issue of licences.

Ss. 6 and 7 deal with the records which must be kept by fishing station operators, fish dealers, and others engaged in the business of processing or exporting fish. Full details of each transaction must be kept and duplicate receipts must be issued by operators of cold storage plants. Retailers are required by s. 7 to keep a record of each individual purchase made by them.

Ss. 8 and 9 deal with statements which are required to be forwarded each month to the Commissioner by every fishing station operator, fish dealer and other person engaged in the business of processing or exporting fish.

S. 10 provides for an officer appointed under the Act examining and taking extracts from records required to be kept by the Act, and s. 11 deals with carriers and requires them to obtain from a shipper of fish a statement giving the particulars set out in the section.

Fish Inspection.—C. 13 is a new Act, the purpose of which is to validate any provisions of the Dominion Fish Inspection Act which may be outside the jurisdiction of Parliament and within that of the Province. Similar Acts have been passed in four other Provinces.

Wartime Moratorium.—C. 14 is a new Act, the purpose of which is to prevent foreclosure actions and actions on agreements for sale being taken against farmers while they are in the armed forces.

By s. 4 of the Act the protection given to farmers in the armed services is extended to farmers who have in the armed services a wife, husband, son or daughter, provided such relative was immediately prior to his becoming a member of the armed forces, living with the farmer on the land, or assisted him in the operation of the farm. The relief granted by this section is limited to mortgages, etc., executed before June 21, 1940.

Land Sales.—C. 15 replaces the Land Sales Prohibition Act and amendments, c. 209, R.S.A., 1942, which was disallowed by the Governor in Council. The new Act omits all reference to enemy aliens to which objection was taken at Ottawa.

Otherwise the Act is in the same terms as the former Act as amended in 1943.

Western Irrigation District.—C. 16 incorporates the Western Irrigation District and validates an agreement which has been entered into subject to validation between the Canadian Pacific Railway Company and owners and purchasers of land in what is known as the Western Section of the Canadian Pacific Railway Irrigation Block east of Calgary. The Act is in the main similar to the Act incorporating the Eastern Irrigation District, c. 34, Statutes of Alberta, 1935, which also validated an agreement between the C.P.R. and farmers and water users occupying the Eastern Section of the Irrigation Block. Action by the Legislature was asked for in a petition addressed to the Minister of Agriculture signed by over seven hundred land owners and purchasers who indicated in the petition the area of land to be irrigated by each petitioner and whether or not water was required for domestic use.

Registered Documents Destruction.—C. 17 provides for the destruction of Bills of Sale, Chattel Mortgages, etc., which have been on file for a period of twenty years in the offices of the registration clerks of the various judicial districts. More space is needed in many of the court houses and it is felt that the destruction of these old documents would provide it. Provision is made for excepting from any order of destruction documents which have been kept in force by renewal.

Wartime Tax Exemption.—The purpose of c. 18 is to exempt persons who ordinarily reside in the United States from the minimum tax imposed by the various Statutes set out in the Act, namely, the Town and Village Act, the Municipal District Act, the Improvement Districts Act, and the School Taxation Act. The exemption applies only to the tax which is imposed upon persons who are not otherwise assessed upon the assessment roll. Persons who were so assessed would, of course, not be exempted by this Act.

Legislative Assembly.—C. 21 amends the Legislative Assembly Act, R.S.A., 1942, c. 4.

S. 1 of the amending Act amends s. 11 of the Act by adding a new subsection (3). The purpose of the amendment is to make it clear that a member of the Legislative Assembly may act as an agent for the Government Insurance Office without contravening the provisions of the earlier part of the section. The amendment also provides that the receipt of a bonus by a member of the Legislative Assembly with respect to goods produced by him and which is paid partly by the Dominion Government and partly by the Province, shall not affect his seat in the Legislature.

Elections.—C. 22 amends the Alberta Election Act, c. 5, R.S.A., 1942.

Sub-section (3) of s. 3 of the Alberta Election Act provides that in case of a vacancy occurring in the representation of an electoral division, an election shall be held to fill the vacancy within one hundred and eighty days after the occurrence of the vacancy. The proviso added by the amending Act will apply at the present time only to the electoral divisions of Calgary and Edmonton, and makes a by-election unnecessary in those divisions if a vacancy occurs three years after the general election and if Calgary or Edmonton, as the case may be, is still represented by three members.

The amendment made by ss. 2 and 3 of this Act is to extend the qualification of the right to vote to persons of nineteen years of age.

S. 4 of this Act amends s. 33 dealing with the requirements at nomination by providing that the nomination paper must be accompanied by a statement signed by the candidate or his official agent of his political party or political affiliations. The amendment also provides that a member of the Legislative Assembly who is on active service outside of Canada may be nominated as a candidate in the electoral division which he represented at the time of dissolution, although his nomination paper is not accompanied by his consent in writing and does not contain the appointment of an official agent, if the nomination paper contains or is accompanied by the appointment of an official agent over the signature of the persons nominating the candidate.

The new s. 81(a) enacted by s. 6 of this Act provides for the voting of men in the armed services who are stationed in Alberta, in an electoral division other than that in which they resided when they joined the forces. It is provided that they may cast their votes where they are stationed and that their votes are to be counted in the electoral division in which they resided at the time of joining the forces and not in any other electoral division. The Lieutenant Governor in Council is authorized to make regulations to carry out these provisions, and somewhat similar sections of the Soldier's Relief Act are repealed.

The amendment to s. 85 made by s. 7 of this Act provides that in an electoral division for which only one member is to be elected the voter may use either the figure 1 or a cross to indicate his first choice, but his subsequent choices must be indicated in the manner now provided, namely: by the figures 2, 3, etc.

Public Health.—C. 23 amends the Department of Public Health Act, c. 13, R.S.A., 1942. The object of this amendment is to provide for cases where Alberta residents are being hospitalized in another Province for tuberculosis or mental diseases, and residents of other Provinces are being similarly treated in this Province. It seems desirable that reciprocal arrangements should be entered into to avoid moving of patients from one Province to another when perhaps they are not in fit condition to be moved.

Estates of the Mentally Incompetent.—C. 24 amends the Estates of the Mentally Incompetent Act, c. 23, R.S.A., 1942.

S. 23 of the Act deals with persons found to be incapable through mental infirmity of managing their affairs and the amendment makes all the provisions of Part I apply thereto excepting those sections dealing with a declaration of unsoundness of mind. It also provides that the Court may appoint one or more persons or the Administrator of Estates as committee in such case.

The amendment to s. 34 is to cover cases where money is in the hands of the Administrator and the patient has left the institution and has not been heard of for seven years. The rights of the patient or his heirs to the money is protected by the existing sub-section (2).

The amendment to s. 36 provides that the Administrator may apply to the appropriate Court for letters of administration to a deceased patient's estate and will be entitled to obtain the same. This does not interfere with the existing power of the Lieutenant Governor in Council to make the appointment. The amendment also provides for the Administrator in certain circumstances taking administration to estates in which the patient is interested.

Vital Statistics.—C. 25 amends the Vital Statistics Act, c. 30, R.S.A., 1942.

S. 1 of this Act, which adds a new sub-section to s. 25 of the Act, requires a copy of the police report of any investigation into a sudden, violent or suspicious death to be sent to the Registrar General so that it may be filed with the registration of death. This provision makes the Act conform to present practice.

The new s. 31 of the Act set out in s. 2 of the amending Act makes a change in the provision as to registration of stillbirths. Such births are to be in future recorded separately and where the stillbirth occurs within a period of less than twenty-eight weeks gestation, it shall not be registered.

The amendment made by s. 3 of this Act introduces a new provision as to late registrations. S. 36 of the Act provides that after the expiration of one year from the date of any birth, marriage or death, the particulars shall not be registered except with the written authority of the Registrar General. The new subsection (2) added to s. 38 of the Act by the Amending Act provides that if such an application is made by the Registrar General after the expiration of four years from the birth, marriage or death, the application must be verified by an affidavit and must also be accompanied by some documentary or other evidence satisfactory to the Registrar General and substantiating the particulars on the registration form.

Succession Duty.—C. 29 amends the Succession Duty Act, c. 57, R.S.A., 1942.

The amendment to paragraph (*c*) of s. 5 is for the purpose of making it clear that the interest retained in gifts where possession and enjoyment has not been assumed by the donee is taxable whether the interest retained was voluntary or by contract or otherwise, and is in conformity with the provisions of the Dominion Succession Duty Act.

The amendment to paragraph (*g*) of s. 5 is to provide for the taxation of superannuation or pension benefits payable or granted by the Dominion or a Province or payable under any other superannuation or pension scheme, and is in conformity with the Dominion Succession Duty Act.

The amendment to sub-section (9) of s. 28 is to remove the restriction on an appeal to a higher court from the Appellate Division of the Province in cases of valuations made by a commissioner.

Forest Reserves.—C. 31 amends the Alberta Forest Reserves Act, c. 63, R.S.A., 1942.

The new s. 14(*a*) enacted by s. 1 of the Amending Act is for the purpose of securing more strict control over persons travelling in reserves, particularly with a view to obviating and lessening fire hazards. Sub-section (1) prohibits persons travelling, camping or being in a reserve without a permit or without registering with certain exceptions which are set out in sub-section (2). Sub-section (3) authorizes the Minister to prohibit in times of extreme fire hazard any person travelling in the reserve even though he may have a permit or have registered. Sub-section (4) provides penalties.

The new s. 15 (*a*) enacted by s. 2 of the amending Act prohibits allowing live stock to graze on reserves without a permit, and further provides for impounding and sale of any live stock so found. Provision is made for the purchaser of live stock at a sale obtaining clear title and for the distribution of the proceeds of the sale after payment of costs to the persons shown to be entitled.

The new s. 15 (*b*) introduces sections similar to those in the Provincial Lands Act and authorizes the making of regulations prescribing the conditions under which entry may be made for mining purposes in forest reserves.

S. 20 of the Act which is amended by s. 2 of the amending Act provides for offences under the Act up to five hundred dollars and costs. The amendment to s. 19 is necessary by reason of the different penalties fixed in the new s. 14 (*a*).

Local Government.—C. 40 amends the Town and Village Act, c. 150, R.S.A., 1942.

S. 207 of the Act which is amended by s. 2 of the amending Act provides for the council of a town or village with the approval of the Board of Public Utility Commissioners purchasing or leasing land for an airport, and erecting necessary buildings, etc., and also authorizes the council to grant a bonus to any person or corporation for the construction or operation of an airport. The proviso to the section limits the authority of the council to expend in excess of five hundred dollars in any one year unless a by-law authorizing expenditure or liability has been submitted to the proprietary electors. The effect of the amendment is to extend the authority of the council to borrow without submitting a by-law to the proprietary electors in proportion to the population of the town or village but putting an outside limit of two thousand dollars on the authority to incur the liability without submitting a by-law.

Municipal District.—C. 41 amends the Municipal District Act, c. 151, R.S.A., 1942.

The amendments made by ss. 1 to 11 (inclusive) and 14 to 20, provide for an extension of the franchise in municipal districts to all persons of the age of twenty-one years who are British subjects and who have resided in the division for a period of six months immediately preceding the day fixed for nomination of candidates, and other changes made necessary by the extension of the franchise. Provision is made for an enumeration of the new voters in each division in which an election is being held, and particulars are set out as to the duties of the enumerator.

S. 33 of the Act which is amended by s. 5 of the amending Act deals with the qualification of voters on money by-laws. No change is made in this qualification, and the amendment is merely to eliminate any reference to relations of ratepayers who no longer vote as such relations but as British subjects over twenty-one years of age, etc. No change is made in the qualifications of ratepayers, and they will vote whether they are British subjects or not.

S. 248 of the Act which is amended by s. 24 of the amending Act authorizes the council to prohibit the burial of dead in hamlets. The intention of the amendment is to enable the council to except from such prohibition a recognized cemetery.

S. 36 of the amending Act strikes out s. 322. This section dealt with a minimum hospital tax imposed by municipalities, but it is considered unnecessary as under the Municipal Hospitals Act provisions are made for a minimum tax for those seeking the minimum rate for hospital supporters.

Schools.—C. 43 amends the Assessment Act, c. 157, R.S.A., 1942. The amendment to s. 5 is intended to make it clear that a dormitory building owned and operated by a school district or school division in a municipality is to be exempt from assessment, together with the land upon which it is situated.

C. 46 amends the School Act, c. 175, R.S.A., 1942. Among the amendments is: S. 9 amending provisions of s. 155 relating to patriotic exercises. It strikes out sub-section (2) and substitutes a new sub-section (2) dealing with the flag salute. The effect of the change is to provide that in certain circumstances pupils may not be required to salute the flag beyond coming to attention and remaining at attention while the salute is being given in the manner prescribed.

An amendment to s. 176 made by s. 13 of the amending Act adds to the duties of the teacher when requested so to do, namely to require a pupil to produce his birth certificate.

Tuberculosis.—C. 56 amends the Tuberculosis Act, c. 195, R.S.A., 1942. The Act as it now stands provides for free hospitalization in a sanatorium of residents of Alberta suffering from tuberculosis. There are cases of non-tuberculosis lung diseases which really require treatment in a sanatorium and which are not covered by the Act. The amendment authorizes the Minister to make agreements with local authorities for the treatment of such persons, the terms of the agreements, including the cost of the treatment, being left to be determined by the Minister and the local authority.

Industrial Conciliation.—C. 69 amends the Industrial Conciliation and Arbitration Act, c. 280, R.S.A., 1942.

S. 1 of the amending Act amends s. 2 of the Act by inserting new definitions of "Bargain collectively," "Collective bargaining agency" and "Board of Industrial Relations." The first defines an expression already in the Act which was not defined. The other two expressions appear in the amendments. The definition of " dispute " is amended by changing the words " a majority of any class or category of his employees " to " a majority of a unit or classification of his employees," the latter expression being thought more definite. The amendment to paragraph (*e*) limits the definition of " employee " to those employed otherwise than temporarily. The definition of " organization " is changed by omitting a reference to trade unions which are defined separately by the addition of paragraph (*k*).

S. 2 of the amending Act strikes out s. 4 of the Act which reads as follows: " The right of employers and employees to organize for any lawful purpose is hereby recognized," and substitutes the following:

" 4. A collective bargaining agency and the acts thereof shall not be deemed to be unlawful by reason only that one or more of its objects are in restraint of trade."

It was thought that s. 4 did not give employees any privilege not already existing, and accordingly the new s. 4 is introduced.

S. 3 of the amending Act strikes out s. 5 of the Act, dealing with collective bargaining, and substitutes a new section providing more complete machinery. It has been found in practice that no tribunal had been set up to determine, in cases of dispute, whether any particular group of employees was an appropriate unit for collective bargaining, and whether any particular trade union or association had been duly appointed a bargaining agent. These matters under the new s. 5 are to be referred to the Board of Industrial Relations for decision with an appeal to the Minister who will, in proper cases, refer them to a Board of Arbitration for final decision. Representation may be made in each case by the bargaining agent, any other body claiming to be a bargaining agent and nominated as such at the meeting of employees, and employers or their representatives. The new s. 5 also provides for the Board of Industrial Relations or the Minister directing the taking of a vote on other questions in dispute involving labour relations.

3. BRITISH COLUMBIA

[*Contributed by* J. PITCAIRN HOGG, ESQ., *Legislative Counsel.*]

Companies.—S. 2 of the Companies Clauses Act Amendment Act, 1944 (c. 5), imposes penalties for failure in respect of any act or duty imposed by the principal Act. S. 3 makes general meeting annual instead of semi-annual.

Public Libraries.—S. 2 of c. 21 gives power to refuse aid to a library that fails to conform with approved standards. Ss. 3 and 4 create machinery for extending union library districts. S. 6 empowers the Minister to grant certificates certifying efficiency as librarians.

Old-Age Pensions.—C. 39 apportions the cost of pensions between the Province and the Dominion.

Motor-Vehicle.—S. 2 of c. 33 authorizes the rebate of licence fees in the case of persons suffering from certain war disabilities. S. 3 requires the surrender of the last licence where a new licence is issued by reason of a change of address. S. 4 provides for the cancellation of registration of a car that is permanently taken out of the Province. S. 5 permits the use of other than metal licence plates. S. 8 provides for the reduction of licence fees in respect of motor vehicles of the private passenger type. S. 9 provides for some other means of identification of motor vehicles in lieu of or in conjunction with number plates.

National Physical Fitness.—C. 37 sanctions an agreement for the provision by Dominion of certain funds for a physical fitness programme in the Province.

Succession Duty.—By c. 46 no succession duty is to be exigible on a death occurring within one year where death is caused by war service.

Vocational Training.—Under c. 55 the Dominion is to provide certain funds for vocational training as a rehabilitation measure.

Public Schools.—S. 2 and other sections of c. 45 provide that grants for certain public health nurses, etc., shall be made by the Department of Health instead of the Department of Education. S. 8 provides a simplified method of voting in large rural school districts. Ss. 11, 12 and 13 deal with teachers' rights in case of dismissal and transfer. S. 16 enacts that public schools shall be opened by the reading without comment of a passage of Scripture.

Credit Unions.—C. 8 provides for a credit union co-operative; and a central credit union. A central credit union will act as a kind of central bank for credit unions.

Trustees.—C. 51 enables the Lieutenant Governor in Council to extend the time for the passing of accounts.

Court of Appeal.—C. 6 provides that where a Judge who heard an argument dies before the delivery of judgment, if he has in fact handed in his opinion in writing to any other Judge, that opinion may be read at the time of delivery of judgment.

Insurance.—C. 16 (*a*) makes provisions in connection with "extended coverage" in respect of loss resulting from injury to or death of any person being carried upon an automobile operated in the business of carrying passengers; and (*b*) provides that where an insurer denies liability under a motor liability policy it shall have the right where the insured does not defend the action to appear as a third party and to defend the action.

Taxation.—C. 49 (*a*) increases exemption from certain taxes imposed on farmers; and (*b*) exempts soldiers from certain taxes in respect of land or mineral claims.

Minerals.—C. 28 authorizes the Lieutenant Governor in Council to reserve certain lands from the right of location, prospecting, etc.

Placer-Mining.—C. 29 confers similar powers upon the Lieutenant Governor in Council in respect of placer-mining lands.

Milk.—C. 25 authorizes an alternative method of pasteurizing milk.

Nurses.—C. 38 re-enacts the "Registered Nurses Act" with slight changes.

Legal Professions.—C. 20 authorizes the Benchers to establish a law school and to affiliate with a university.

Water.—C. 56 makes provision whereby companies that acquired water rights under private Acts may now hold these rights under the Water Act, 1939.

Liquor Revenues.—C. 22 ratifies an agreement whereby the Dominion agrees to make up any loss accruing to the Province in liquor revenues.

Dawson Creek Loan.—C. 9 authorizes Dawson Creek to borrow from the Dominion for the construction of a sewerage system and authorizes the Province to guarantee the loan.

Free Miners' Exemption.—C. 27 extends the time within which persons may take advantage of last year's Free Miners' Exemption Act.

Police and Prisons.—C. 41 changes the title of Assistant Commissioner of Police to Deputy Commissioner of Police. It also gives to inspectors and wardens power to suspend constables, gaolers, etc.

Companies.—C. 3 alters the definition of "Articles" so that it now includes by-laws established by a private Act. It also authorizes a company by special resolution to provide that shares issued as a class with special rights but not subject to redemption be made subject to redemption if the holders of all such shares unanimously consent. It also provides that if a company fails to hold an annual general meeting the Directors shall in that event continue in office until their successors are elected or appointed.

Attachment of Debts.—C. 1 removes the difficulties in the way of attaching wages and simplifies forms.

Game.—C. 12 makes slight changes in the Game Act and also introduces a right of appeal against a decision by a game warden relating to conflicting claims to a trap line.

Petroleum and Natural-Gas.—The law relating to the method of acquiring rights to petroleum lands and to coal lands has heretofore been contained in the Coal and Petroleum Act. The law as to acquiring rights on petroleum lands will now be found in the Petroleum and Natural-gas Act, c. 40, whereas the law relating to the acquisition of coal lands will now be found in the Coal Act.

Employment of Children.—C. 2 forbids employment of children under the age of 15 years in certain industries.

Municipalities.—C. 35 adds a number of clauses extending the powers of municipalities. S. 23 enacts as follows:—

> "243(6). The assessment of the land or improvements appealed from shall not be varied by the Judge if the value at which they are assessed bears a fair and just relation to the value at which similar or neighbouring land or improvements in the municipality are assessed, but where the appeal relates to land the Judge may order a reduced assessment to be made of all land within the municipality or of a portion thereof that includes the land the valuation of which is appealed from."

The Act also establishes a Board to grant certificates of efficiency to municipal employees.

Wartime Labour Relations Regulations.—C. 64 extends the Dominion Labour Relations Regulations to Provincial industries not already covered by the Dominion Regulations.

Marriage.—C. 24 provides for declaration of presumption of death on absence of a spouse for seven years so that the other spouse may remarry.

Health.—C. 15 legalizes the Metropolitan Health Board, empowers a grant to public health nurses, etc., to be made by the Health Board and gives power to magistrates to remove aged persons unable to care for themselves and not receiving adequate care to a home.

Minimum Wage.—By c. 30 employers are required to furnish details of wages showing deductions, etc., and by c. 31 for women.

Cemetery Companies.—C. 4 makes a slight amendment to ensure a payment for taxes on the occasion of each sale of a plot.

Veterans' Land Settlement.—C. 53 enables the Government to make a gift of land to each B.C. soldier who is financially aided by Dominion to settle on the land.

Prospectors' Grubstake.—C. 42 alters slightly the conditions upon which prospectors may obtain a grubstake from the Government.

War Mariners' Benefits.—C. 23 extends all rights granted to soldiers to mariners who have served in a war zone.

Public Utilities.—C. 43 makes milk a public utility.

4. MANITOBA

[*Contributed by* G. S. RUTHERFORD, ESQ., *Legislative Counsel.*]

Marine Insurance.—Manitoba has never had an Act dealing specifically with Marine Insurance and an appreciable amount of this type of insurance business is written in the Province. The Canadian Bar Association and the Association of Superintendents of Insurance recommended the enactment of this legislation. With a few minor exceptions c. 29 is the same as the Marine Insurance Act, 1906, in force in the United Kingdom. This Act is also in force in British Columbia, Nova Scotia and New Brunswick. The Act codifies only those principles of the law which relate exclusively to Marine Insurance.

Vital Statistics.—C. 68 provides that upon application for a birth certificate of an adopted child, the registrar shall give a certificate of birth of the child from the entry in the Adopted Children's Register and the certificate shall show the names of the adopted parents as being the names of the parents of the child and no details or information as to the natural parents shall be shown.

Public Health.—One of the provisions in this amending Act, c. 48, was based on a case in New Brunswick, *Zed* v. *Fullerton,* 17 M.P.R. 417. The amendment provides that where the owner of premises is required under the regulations to make alterations or repairs, or to abate nuisances, he may enter on the premises in order to comply with the regulations notwithstanding the provisions of any lease or tenancy, oral or written.

This amending Act also provides that a municipality may, subject to the approval of the Municipal and Public Utility Board, levy on the whole or any part of the municipality, or against any particular property, such sums as are deemed necessary for carrying out the provisions of the Act and the regulations, and any special levy made may be in addition to, or in substitution for, a general levy and may be based on the estimated cost of removing sewage and waste from any particular property, and may be levied either before or after the removal of the sewage or waste.

Hospital Aid.—C. 25 provides for an increase in the amount payable to hospitals by the Government, and for an increase in the amount which hospitals may charge against municipalities.

Married Women's Property.—C. 34 replaces the previous Married Women's Property Act, c. 128 of the Revised Statutes of Manitoba, 1940. This Act is a uniform Act recommended for enactment by the Conference of Commissioners on Uniformity of Legislation in Canada. Among other things, it abolishes restraint on anticipation.

Highway Traffic.—C. 23 is one of the most important Bills passed at the session. It repeals Part VII of the Highway Traffic Act and enacts a new Part VII with the title " Safety-Responsibility." This Act has been much discussed in the press and it is impossible to give a complete summary here. It is based on the laws in force in New York and New Hampshire and the central principle is that where a motor vehicle is involved in an accident the registration thereof and the licence of the driver are liable to suspension until security for any judgment that may be recovered from the accident and proof of financial responsibility for the future are put up. The motor vehicle is also liable to impoundment until these things are done. However, a person who carries public liability and property damage insurance will not be subject to these provisions.

Provision is also made for an unsatisfied judgment fund. Where a judgment for bodily injury occurring in a motor vehicle accident is recovered against a person who is judgment proof and has no insurance it will be possible to make an application to the court and upon proof that the judgment cannot be realized by the usual methods an order may be obtained on the fund. As mentioned, the fund will not cover damage to property nor injuries to persons of less than one hundred dollars, and there is a maximum limit of five thousand dollars for any one person and ten thousand dollars for any one accident. Where a judgment against any person is paid out of the fund, that person will forever lose his right to register a motor vehicle or have a driver's licence until such time as he reimburses the fund.

Insurance.—C. 26 is complementary to the Highway Traffic Act amendment above mentioned. It provides for the establishment by companies issuing automobile insurance policies of what is known as an assigned risk plan whereby some of the persons who have been refused insurance by various companies may, if their record is not too black, be issued an insurance policy at an enhanced premium. This amendment also provides for the issue of cards to persons who take out public liability and property damage insurance, the cards to show that the person actually has that insurance. The card will then be carried on the person or in the vehicle and may be produced to the police if an accident occurs.

C. 27 makes provision for serving of a writ or statement of claim in a case where an insurer has ceased to be licensed in the Province. It also revises the requirements with respect to the investments of insurers and the valuation of their contracts.

S. 7 contains some very important amendments recommended by the Association of Superintendents of Insurance. These arose from the discussion that followed the judgment in the case of *Deckert* v. *Prudential Insurance Company of America* (1943) O.R. 448. This case brought to attention the fact that the position of an ordinary beneficiary under life insurance policies was very obscure. In fact it was doubtful whether the ordinary beneficiary had any rights at all, although Insurance Companies had for many years assumed that an ordinary beneficiary had such rights and had been paying claims. The amendment establishes the rights of the ordinary beneficiary.

The amendments also extend the application of the present sub-section (2) of s. 144 to a declaration contained in other instruments in writing as well as a will and fix a time from which a declaration shall take effect subject to the powers of revocation conferred by the Act. Up to the present time it has been possible for an insured to conceal from a person proposing to lend money on a policy the fact that he had made a declaration appointing the insurance moneys to a beneficiary. The question as to the time when a declaration takes effect has been raised on several occasions and judicial opinion has not been unanimous. The amendments clarify this situation.

The amendments also deal with automobile insurance. It is provided that automobiles chiefly used or operated off highways such as tractors used entirely in the bush, motorised equipment used by railway companies along their platforms for hauling trucks of baggage, etc., need no longer be insured under an ordinary automobile policy, but the provisions of s. 198 of the Act are to remain in force with respect to insurance of vehicles of this kind. S. 198 provides that a third party who is injured by a vehicle which is insured may make a claim directly against the insurance company and have the insurance money applied in satisfaction of any judgment he may obtain.

Chiropractic.—C. 5 establishes the Manitoba Chiropractors Association and makes provision for the governance and membership in the association. Among other things, no chiropractor may use the title " Doctor " or the abbreviation " Dr." unless at the same time he displays or makes use of the word " Chiropractor " immediately preceding or following his name.

Real Property.—C. 53, and related amendments to the Winnipeg Charter, the St. Boniface Charter, the Municipal Act and the Municipal and Public Utility Board Act, provides for the abolition of the system of the deferring of payment of fees by municipalities in respect of tax applications made by them. In place thereof the municipalities are to pay a reduced scale of fees as set out in the amendment. Subject to certain exceptions, the fees payable will be half of the usual tariff.

Dower.—S. 16 of the principal Act is amended by c. 13 by adding thereto a sub-section providing that nothing in the section shall deprive a widow of the benefit of s. 12. From the way the Act has been worded it appears that there was some doubt as to whether or not s. 16 did not take away from the widow the benefit of s. 12, which it is thought was never intended.

Evidence.—S. 45a, as enacted in the Statutes of 1941–42, is repealed by c. 15 and a new s. 45a substituted. This deals with the use of microphotographic prints as evidence in court. Under the previous amendment this privilege was restricted to banks and governments. The privilege is now extended to corporations and persons who have an established practice of photographing objects of the same or similar class in order to keep a permanent record thereof.

This amending Act also confers the right to take affidavits upon the deputy clerk of the County Court as well as upon the clerk.

Veterinary Scholarship Fund.—C. 67 sets up a fund to provide for scholarships to veterinary students.

Wives' and Children's Maintenance.—C. 69 was necessitated by reason of the repeal of the old Married Women's Property Act and the enactment of a new Act of the same name. The present s. 3 of the Act is amended to make it clear that it applies, notwithstanding the provisions of the Married Women's Property Act or of the new sub-section (2) now added. Sub-section (2) is carried over from the old Married Women's Property Act now repealed and the obligation is imposed on a widow as well as a married woman.

Statutory Instruments.—C. 56 is a new Act and follows, with some variations, a uniform Act recommended by the Conference of Commissioners on Uniformity of Legislation. Although it had little publicity in the press, it is one of the most important enactments passed at this session, to the legal profession at least. A very large number of statutes authorize the making of regulations and orders of various kinds by the Lieutenant Governor in Council, by ministers, and by various government boards and commissions. Many of these regulations have the force of law. There may be a penalty for violation of some of them. There is at present no central registry or place where copies of these regulations can be obtained and in some cases, particularly where regulations have been in force for many years, it is difficult for a person desiring to do so to acquaint himself with the purport of such regulations. This Act will establish a central registry. It provides that in future regulations shall not come into force until they have been registered in the central registry and also published in *The Manitoba Gazette*. With regard to existing regulations, a time limit is fixed within which they must be registered or they will cease to have any validity or effect. The result of the legislation will be that in future any person desiring to ascertain the terms of any regulation made under a provincial statute will be able to do so by enquiry at the office of the registrar.

Furthermore, it is proposed when publishing these regulations in the *Gazette*, to have the part of the *Gazette* containing the regulations detachable from the rest of the *Gazette* and paged in a separate series so that in law offices these pages may be detached and separately bound up and they will then constitute a permanent record of regulations similar in many respects to the statutes.

Minimum Wage.—C. 39 does away with the present statutory minimum rate of twenty-five cents per hour and substitutes therefor the minimum rates established by the regulations made under the Act.

Legislative Assembly.—C. 32 provides that the amount annually voted for the opposition leader shall all be paid to one member who is the recognized leader of the opposition.

Trustee.—A principle has been laid down in many legal cases over the last hundred years that payment of a debt in full may involve an admission of assets by an executor rendering him personally liable to pay other debts in full. In order to protect real estate an executor often finds himself in the position of having to pay such things as interest on mortgages overdue at date of death, and also taxes, fire insurance premiums. He may also have to pay for certain essential services such as electric light, gas, water, etc. Up to the present time if an executor made these payments, he did so at his peril. If the estate later turned out to have a deficiency of assets the executor might find himself responsible to pay all other creditors in full. C. 65 provides relief to the personal representatives in cases of this kind.

Crown Lands.—C. 11 makes certain provisions as to the matter of rental of lands leased by the Crown for inclusion in fur rehabilitation blocks. The Act also makes provision for the payment of a certain sum in lieu of municipal taxes by permittees who obtain hay permits or grazing permits.

Predator Control.—C. 47 provides for a bounty payable on timber wolves and timber wolf pups during the period from October 1 in any year to March 31 in the following year provided the pelts are surrendered to the municipality or to the Crown as the case may be. It also provides for the designation of parts of predator control areas in unorganized territory in which the bounty will be payable on certain designated predators.

Animal Husbandry.—C. 2 establishes a new Part IX of the Act which covers the matter of Bang's disease in cattle. The Act provides a procedure whereby municipalities may pay on behalf of the Government the sum of one dollar to the owner of each calf vaccinated against Bang's disease and may subsequently secure repayment of the amount so paid to the Government. The Act also provides that a municipality may, if so desired, pay an additional sum not exceeding one dollar in respect of each calf so vaccinated, but this additional amount is not recoverable from the Government.

Child Welfare.—Most of the amendments in c. 4 are concerned with the substitution of the Public Welfare Advisory Committee appointed under the Health and Public Welfare Act for the board under the Child Welfare Act. Some of the powers of the previous Child Welfare Board are now assumed by the Director. The Act also authorizes a mother or an alleged father under twenty-one years of age to enter into agreements for the support of illegitimate children.

Education.—C. 14 confers powers on the Minister to make regulations authorizing the superintendent of schools of the district or the principal or teacher deemed to be the principal of any school, to suspend a pupil for conduct injurious to the welfare of the school; and also to make regulations authorizing the payment of scholarships to persons specified in the regulations out of any moneys granted by the Legislature for the purpose.

Under the amendments in c. 49 municipal by-laws altering the boundaries or changing the area of school districts or uniting school districts are not to be effective until filed with the Minister. The powers of an inspector to form or alter the boundaries of school districts in unorganized territory are made subject to approval by the Municipal Commissioner. Furthermore, notice must be given by the inspector to every ratepayer whose land will be affected and he must hear any objections made.

Certain other changes are made with respect to the date of the annual meeting of school districts, the election of a vice-chairman and his powers, complaints respecting elections, and the disposal of the deposits that must be made on making complaints, and certain other administrative matters.

One important provision is the raising of the minimum annual salary of teachers to one hundred dollars for each teaching month, except in the case of "permit" teachers.

Provision is also made with respect to the conditions upon which equalization grants are paid, special provision being made for the case of suburban school districts.

C. 51 provides authority for the establishment by the Lieutenant Governor in Council of not more than two school areas comprising all or part of the lands contained in any one or more municipalities and for all matters in connection therewith for which provision is necessary.

Certain other amendments are made that are required by reason of the formation of local government districts under the Local Government Districts Act. It is also provided that only residents of a school district are entitled to vote on the election of school trustees and not "every person in the district" as formerly provided.

Provision is also made for the making of electors' rolls by an inspector and for the approval by the Minister where the electors' rolls are adopted for a further period.

Provision is also made for permitting a school district in unorganized territory to borrow money to an extent that increases its debenture debt beyond five thousand dollars.

Frozen Food Locker Plant.—C. 17 is a new Act and provides for the licensing, inspection and control of frozen food locker plants.

Health and Public Welfare.—C. 21 provides for certain departmental changes including the appointment of a supervisor of collections in place of the fiscal supervisor of public institutions. It also provides for the appointment of a Public Welfare Advisory Committee.

Public Works.—C. 52, among other things, provides a penalty for any person who obstructs or interferes with the engineers, agents, workmen, or servants of the Minister of Public Works when they are entering on land contiguous to a provincial trunk highway for the purpose of erecting, repairing, etc., snow fences.

Practical Nurses.—C. 46 is an Act to provide for the training, examination, licensing, and regulation of practical nurses. There has not been an Act of this kind in Manitoba before.

Health Services.—C. 22 is one of the most important Bills of the session. It sets up a health plan in four parts, the first part relating to the establishment of local health units for preventive medicine; the second relating to the provision of diagnostic services; the third relating to the establishment of medical care districts, including the engagement of municipal physicians; and the fourth relating to the provision of better hospital facilities. The provisions are too extensive to make any summary that could be given here of much value.

Travel and Publicity Bureau.—C. 64 is an Act to establish the Travel and Publicity Bureau as a branch of the Department of Mines and Natural Resources. Among other things, it gives power to the Lieutenant Governor in Council to make regulations governing the inspection and classification of tourist camps, fishing and hunting camps, outfitters' camps, tourist homes, rest rooms, and other establishments offering accommodation in recognized tourist, hunting and sport fishing areas.

Amusements.—C. 1 raises the tax on parimutuel betting from five per cent. to ten per cent. of the amount bet and also makes a change with respect to the fees payable on the inspecting, censoring, stamping and certifying of each slide or reel of film or part thereof.

Physical Fitness.—C. 44 authorizes the Minister of Health and Public Welfare to take steps necessary for the promotion of physical fitness, in which expression is included other mental, moral and cultural qualities that better fit a person to become a useful citizen. The Act provides for the appointment of a council and a director and for the making of agreements with the Dominion Government and with municipalities and organizations.

Game and Fisheries.—C. 19 gives a hunter of big game an option of wearing a suit and cap of either white or bright red material.

C. 18 provides for the making of regulations designating areas in which no one shall trap or hunt fur bearing animals and for the issue of special permits to trappers to hunt or trap therein. It also authorizes the Minister to enter into an agreement on behalf of the government with the Government of Canada in connection with the development of fur rehabilitation blocks or registered trapline districts where such development will be beneficial to Indians. A change is made with respect to the royalties payable on beaver and muskrat. The Minister is also authorized to issue permits allowing the fall trapping in fur rehabilitation blocks. The Act also provides that the heads and hides of big game lawfully taken during an open season may be sold or otherwise disposed of.

Highway Traffic.—C. 24 contains certain miscellaneous amendments to the Highway Traffic Act. Among other things, it is provided

1. that vehicles over eighty inches in width required to carry clearance lamps, must carry them at all times, even in the daytime when not required to be lighted;

2. that lights or reflectors must be carried on the back of vehicles on any highway in the province;
3. that flares must be carried by certain heavy vehicles to be set out when the vehicle is stopped;
4. that trucks and trailers must have the name and address of the owner and the gross weight painted on both sides;
5. that when livestock is transported by truck different kinds of livestock must be separated by partitions suitable to the case and as described in the regulations;
6. that vehicles about to enter on a provincial trunk highway shall be brought to a stop at a point not less than ten feet or more than thirty feet from the highway;
7. that vehicles that have stopped at a " Stop " sign shall not proceed until it is safe to do so;
8. that bicycles shall not be ridden more than two abreast and shall keep as close as possible to the right-hand edge of the highway;
9. that the only persons who shall ride in the front part of a vehicle are those for whom there is actual seating accommodation on the front seat.

King's Bench.—Up to the present, when a court sits as a Court of Assize for the trial of criminal matters no civil cause could be tried at that sitting. Sometimes, particularly in judicial districts other than the Eastern, there are actually no criminal matters to be tried. The judge then had to wait until the next day before he could deal with civil matters. The amendment in c. 10 remedies this.

Basic Sciences.—C. 3 is a very important Act. The purpose of the Act is to ensure that persons engaged in certain professional occupations shall be qualified to a prescribed extent in the basic sciences mentioned in the Act.

Workmen's Compensation.—There are a number of important provisions in c. 70. It provides for the payment of compensation to a workman from the beginning of the disability, including the first three days, in any case where the disability lasts longer than fourteen days. It includes the legal personal representative of a deceased workman among the persons who cannot take legal action when a claim for compensation is made under the Act and vests in the board any right of action against others which the legal personal representative may have. It removes the right of action of workmen, their dependents, and legal personal representatives, against the workmen of other employers who are themselves within the Act. It provides that where a workman is injured owing to the negligence of an employer or workman in another class, the compensation awarded may be charged either wholly against that other class or apportioned and charged partly against that other class. It provides that the right to compensation is to be taken in lieu of all rights which the legal personal representative of a workman has against his employer. It gives the board authority to provide for the replacement and repair of eyeglasses. It provides for the payment of the cost of transportation of the body of the deceased workman. It provides for a lump sum payment of one hundred dollars to a widow or foster mother. It raises the amount payable to a dependent widow or widower to forty-five dollars. It permits the board to add to schedule 2 industries in which it appears to the board a workman is subject to dermatitis. It permits the board to bring under the Act permanent full time employees engaged in the maintenance of apartment blocks and office buildings.

Jury.—C. 31 raises the fee payable to jurors from four dollars to five dollars a day.

Local Government.—C. 82 adds a new Part to the Act and its purpose is to provide a form of local government for communities in unorganized territory that grow up around an industrial plant such as a mine.

Mental Deficiency.—C. 37 removes the liability of municipalities to pay for the care of mental defectives.

Mental Diseases.—C. 38 provides for the discharge from a mental hospital, etc., of aged and infirm persons who do not require to be kept in custody and for the assumption by the municipality of their residence, or by the Director of Public Welfare, of responsibility for their care and maintenance.

Old Age and Blind Persons' Pensions.—The amendments in C. 40 authorize the Minister as well as the local authority to receive applications for pensions and in the first instance to give his approval and recommendation thereto.

Osteopaths.—C. 43 provides for the establishment of the Manitoba Osteopathic Association and for the governing and regulation of the members thereof. It provides, among other things, that no osteopathic physician can use the title " Doctor " or the abbreviation " Dr." unless he at the same time displays or makes use of the word " Osteopathic " or the word " Osteopath " immediately preceding or following his name.

Public Works.—C. 16 revises the definitions of " public work " and " works " respectively to bring them into line with similar definitions in the Manitoba Public Works Act. It also provides for the issue to the Crown or the municipality of title in cases where by-laws and plans opening highways or drains are registered.

Succession Duty.—The purpose of C. 59 is to give authority to the Lieutenant Governor in Council to remit duties payable on the estates of soldiers, sailors and airmen dying as a result of war service.

5. NEW BRUNSWICK

[*Contributed by* J. Edward Hughes, Esq.]

1943

Seventy-five Acts, including local and private, were passed during this year.

Fire Prevention.—C. 19 repeals previous legislation with respect to fire prevention which was designed primarily for the protection of property. The new Act, while continuing the property protection features, emphasizes protection of persons from the dangers of fire. Fire prevention services are administered for the first time by an official appointed by the Government.

Protection to Property of Members of the Armed Forces.—C. 32, an Act to provide protection to property of members of the armed forces in respect to certain civil proceedings, is designed to afford a summary and inexpensive procedure for postponing litigation against members of the armed forces arising out of contract.

Rural Schools.—C. 33, the Rural Schools Assistance Act, 1943, provides for the payment of grants by the Province to rural school districts towards the cost of the construction of rural composite high schools, elementary schools and additions and improvements to school buildings.

C. 34, the County Schools Finance Act, provides for the financing of rural school districts through county boards with increased assistance from both Province and county. Previously each rural school district was a separate entity making it difficult for poorer districts to provide a reasonably high standard of education.

Civil Service.—C. 35 provides for the establishment of a Civil Service Commission of three members to examine candidates for positions in the Civil Service of the Province and to make appointments thereto. This is the first Civil Service Act. Formerly all provincial employees were appointed by the Lieutenant Governor in Council.

Defence of Poor Persons.—C. 36, the Poor Prisoners Defence Act, provides free aid in the preparation and conduct of his defence at trial of any person committed for trial or indicted for an offence for which the penalty is death. The costs of the defence are paid by the Province.

Marine Insurance.—C. 40, with a few minor exceptions, is the same as the Marine Insurance Act, 1906, c. 41, Acts 1906 (Imperial). Ss. 91, 92 and 93 of the English Act are not included in the New Brunswick Act. Previously there was no New Brunswick Statute with respect to Marine Insurance, the law thereof being the common law. This Statute was enacted to provide certainty and uniformity and to make decisions of the courts based on the English Act available in interpreting the law in this Province.

Mental Incompetency.—C. 41 vests in the Supreme Court full jurisdiction and authority over and in relation to the persons and estates of mentally incompetent persons, including the care and the commitment of the custody of mentally incompetent persons and of their persons and estates. The provisions of this Act supersede Rules 43 to 55 and 83 to 109 inclusive of Order 56 of the Rules of the Supreme Court.

Wartime Execution of Trusts.—By virtue of C. 43 a trustee, whether a sole trustee or a trustee with others, may, notwithstanding any rule of law or equity to the contrary, by power of attorney, attested by one or more witnesses, delegate to any person capable of being appointed a trustee of the trust, the execution of any trust of which he is trustee during any period for which such trustee is engaged on war service and a further period of two months thereafter. In the Act " trustee " includes executor, administrator or administrator with the will annexed in relation to the administration of the estate of a deceased person, but the Act does not apply to any trustee under an implied or constructive trust.

Venereal Disease Control.—C. 44 provides for the compulsory medical examination of persons suspected of being affected with venereal disease and for the compulsory medical treatment of persons found to be so affected. It gives the right to the Medical Health Officers by written notice to require any person to submit to a medical examination.

1944

Eighty-six Acts, including local and private, were passed during this year.

Elections.—C. 8 provides a new procedure for elections to the Legislative Assembly of the Province.

Teachers' Pensions.—C. 17 provides for increased pensions' benefits to teachers who retire from service.

Apprenticeship.—C. 43 provides for the establishment of a Provincial Apprenticeship Committee which has power to determine whether any trade is appropriate for a contract of apprenticeship, to certify contracts of apprenticeship as binding and to approve plans of apprenticeship training, et cetera. No contract of apprenticeship is binding unless certified as binding by the Apprenticeship Committee. Employers and trade unions may by agreement in writing formulate a plan for training apprentices in any trade in which they are all engaged. Upon a joint petition in writing of employers and trade unions that any plan of apprenticeship training be declared to apply in respect of an entire trade in any area or areas of the Province, the Governor in Council, if satisfied that a proper and sufficient proportion of the employers and employees affected so desire, may order that such plan of apprenticeship training be declared to apply in respect of the entire trade, and thereafter no person may be apprenticed in such trade in the area or areas specified in the order except in accordance with the plan. The Province provides the facilities for conducting courses of related technical instruction and bears the expenses involved in connection with the courses.

Juvenile Courts.—C. 44 provides for the establishment of courts of record to be known as Juvenile Courts for the trial of juvenile offenders. Every Juvenile Court is declared to be a Juvenile Court within the meaning and for the purposes of the Juvenile Delinquents Act, 1929 (Dominion).

Mothers' Allowances.—C. 46 provides for the payment of monthly allowances towards the maintenance of every child whose father or whose mother and father is or are dead or permanently totally disabled or hospitalized in the Provincial Mental Hospital or in a Tuberculosis Sanatorium, when there is not adequate means available for the maintenance of the child. The maximum allowance payable towards the maintenance of dependent children of any mother is sixty dollars per month. This Act supersedes the previous legislation in the matter and greatly extends the number of cases in which an allowance may be paid.

Labour Relations.—C. 49 makes the Wartime Labour Relations Regulations made on the 17th day of February, 1944, by Order-in-Council P.C. 1103 of the Governor General in Council of Canada under authority of the War Measures Act applicable to employees, whose relation with their employers in matters covered by the said Regulations are ordinarily within the exclusive legislative jurisdiction of the Legislature of New Brunswick to regulate, and to the employers of all such employees in their relations with such employees and to trade unions, employees' organizations and employers' organizations composed of such employees or employers.

6. NOVA SCOTIA

[*Contributed by* C. L. BEAZLEY, ESQ.]

Public Service.—C. 2 consolidates the Public Service Act and in addition provides for the establishment of a Department of Public Welfare to be presided over by the Minister of Health

Executive Council.—C. 3 is a pure consolidation with verbal changes only.

Loan to Fishermen.—C. 4 provides for the creation of a Fishermen's Loan Board under the direction of the Minister of Industry and Publicity.

Blind Workmen's Compensation.—C. 5 in effect provides that where a blind workman is employed at work approved by the Canadian National Institute for the Blind and where he is injured in the course of his employment, the Provincial Treasurer pays the full cost of compensation in excess of the sum of $50.00.

Where an employer employing blind workmen does so without the consent of the Institute or where such employer changes the nature of a blind workman's employment, such employer shall be deemed to have waived all rights to any of the benefits or advantages of the Act.

Engine Operators.—C. 6 is a new enactment and provides that no person other than an engine operator who holds a certificate of competency under the Act shall perform the work or duties of an engine operator and that no person other than an operator or fireman licensed under the Act shall perform the work or duties of a fireman.

The Act prohibits the employment of any person who is not an engine operator or fireman licensed under the Act to perform the work or duties of those persons. There are certain exemptions in the Act and it is not applicable to workmen acting under the personal direction or supervision of a qualified person or to railways or shipping, and the Act is not applicable to any plant or person to whom the Mines Act or the Coal Mines Regulations Act apply.

The Act provides for a Board of Examiners to be appointed by the Governor in Council for the purpose of conducting examinations of candidates and of prescribing the qualifications of candidates.

The Board may grant a certificate of competency to any person who is a British subject and (*a*) who has either passed the Board's examination; or (*b*) is the holder of an equivalent certificate from any other Province; or (*c*) who at the coming into force of the Act had in the opinion of the Board sufficient service and experience.

Veterinary Assistance.—It was represented by the Department of Agriculture that in many parts of the Province it was impossible to obtain adequate veterinary assistance. C. 7 provides that any Municipal Council may establish a Veterinary Assistance Board and where a Board is so established, the members are partly appointed by the Municipal Council and partly by the Governor in Council.

It is the aim that when the Veterinary Assistance Board is established that it will receive funds from three sources: first, the Provincial Treasurer; secondly, the Municipal Treasury, and thirdly, from the farmers of the community. The Province has agreed to contribute $1,000 to each Board so established. The Board will use its funds to render financial assistance to veterinarians practising in the rural areas with the intention that the money should primarily be used to equalize his expenses in travelling to the more remote sections so that all farmers will be able to receive veterinary assistance at the same fee irrespective of the distance or inconvenience to which the veterinarian may be put.

Wartime Labour Relations.—The Wartime Labour Regulations made by the Dominion Government apply to those classes of persons set out in those regulations, and the regulations provide that if a Provincial Legislature applies the regulations to employees whose relations with their employers are ordinately within the legislative jurisdiction of the Province, then the Dominion regulations shall so apply. C. 8 provides that the present labour regulations shall apply, and any amendments thereto may be brought into operation by an order in council.

Reformatory.—C. 9 provides that the Governor in Council may establish and maintain a reformatory and that such reformatory may be erected and equipped as is deemed requisite. There is at the present time an unused capital vote for this purpose.

It is not the immediate intention to erect a reformatory building, but rather to place certain persons convicted of provincial offences in a forestry camp or in some other similar work for all or any portion of their term of imprisonment.

The Act provides that any person now confined in the jail under sentence of imprisonment may on the warrant of the Minister be transferred to the reformatory, and the Act provides that such warrant shall be sufficient authority for the keeper of the jail to deliver up the prisoner.

The reverse situation is also covered in the Act authorizing the superintendent of the reformatory to retransfer a prisoner to the jail.

By s. 9 the Minister is authorized to direct or sanction the employment upon any specific work or duty in any part of Nova Scotia and beyond the limits of the reformatory of any person directed to be imprisoned therein, whether or not the sentence or conviction or commitment does or does not impose hard labour.

School Loan Fund.—C. 11 provides for a school building fund. This Act, together with the provisions of the Education Act, authorizes the Treasurer to make advances for the purpose of erecting or improving school houses.

Sale of Land.—C. 13 authorizes the Governor in Council to sell a piece of land at Yarmouth, the proceeds of which shall be placed in the Sinking Funds of the Province.

Succession Duty.—The only material change made by c. 16 is that heretofore a policy of insurance payable to the Treasurer for the purpose of paying duty was only exempt from succession duty if the policy was so made payable to the Treasurer when originally written. By virtue of the amendment, a policy will have this advantage if it is assigned to the Treasurer after having been originally taken payable in some other manner.

Female Prisoners.—C. 17 provides for an increase in the grant from $125.00 to $175.00 a year to institutes housing female prisoners.

Nova Scotia Hospital.—Some doubt was raised as to the liability of municipalities to maintain a person transferred to the Nova Scotia Hospital by Governor's warrant, and s. 1 of c. 18 is for the purpose of removing the doubt. It has been the practice for many years for the municipality concerned to pay these expenses.

S. 2 provides that any patient who has escaped from the Nova Scotia Hospital may be apprehended and returned without a warrant by any police officer or by the superintendent of the hospital.

Asylums for Harmless Insane.—C. 19 provides as in the case of the Nova Scotia Hospital that any person who escapes from the local asylum for the harmless insane may be apprehended and returned without a warrant.

Education.—S. 1 of c. 20 provides that it shall be included in the duties of School Trustees to remove fire hazards and to install and provide such fire escapes and fire extinguishers as are deemed necessary by the Inspector. S. 2 provides that Municipal School Boards shall be bodies corporate.

Ss. 3, 4 and 5 are for the purpose of removing some doubt that was expressed as to whether or not sections annexed to towns for school purposes were exempt from the obligation to contribute to the general municipal school fund.

Since the adoption of the larger school unit, so called, sections annexed to towns for school purposes are exempt from making the contribution to the municipal school fund under s. 171, but it is never the intention to exempt these sections from the obligation of contributing to the general municipal school fund.

The effect of s. 6 is to provide that marsh lands attached to a town for school purposes are to be considered in the same manner as other real property attached to the town for school purposes.

Education of Deaf and Deaf Mute Persons.—C. 21 provides that from and after January 1, 1945, the contribution by cities, towns and municipalities and by the Provincial Treasurer to the School for the Deaf shall be $250 a year in place of the present contribution of $200 a year, and a further proviso is added that where such deaf or deaf mute person is also a blind person the contributions both from the municipalities and from the Province are doubled.

Motor Carrier.—C. 22 is divided into two parts, Part I of which comes into force immediately and Part II of which is not to come into force until a proclamation is made.

Part I contains three sections only. S. 1 provides that the Minister of Highways may make regulations prescribing standards for vehicles used as school buses. S. 2 requires every motor carrier who has dismissed or suspended any licensed chauffeur to give notice of the dismissal or suspension to the Registrar of Motor Vehicles and that such notice shall be given within three days of the dismissal or suspension.

S. 3 repeals s. 13 of the present Motor Carrier Act which provides that no motor carrier shall operate without the approval of the Minister. Hereafter, a motor carrier may carry on business on receiving a certificate from the Public Utilities Board.

Part II of the Act provides for the franchising and regulating of public carriers of freight in the same manner as public carrying of passengers is now regulated.

It is not the present intention to proclaim Part II of this Act until the present Federal controls on freight carrying vehicles are discontinued.

Pharmacy.—C. 23 merely increases the annual dues of members of the Society from $15 to $35.

County Courts.—S. 43 of the County Court Act now provides that if in any action in a county court any party to the action applies to the Supreme Court, showing to the satisfaction of such Court that it desires to have the action tried in the Supreme Court with a jury, and that the deponent believes the action may be more satisfactorily tried in the Supreme Court, and that there is a good cause of action or defence on the merits, then the Supreme Court or a judge shall order the action transferred from a county court to the Supreme Court.

C. 23 merely substitutes the word "may" for the word "shall" and leaves the matter of the transfer of such a cause of action expressly with the Supreme Court rather than making it mandatory.

Benefit Building Societies.—While this is a public statute it is of interest to one or perhaps two societies incorporated under the Act. Societies so incorporated are limited as to the amount of money deposits they may accept, and the amount of debentures they may issue, by the amounts from time to time secured by mortgage and owing to the Society, added to the net value of repossessed properties.

Such companies now have purchased large amounts of Victory Loan and other approved securities which cannot be taken into consideration when determining the amount of money deposits or debentures, and the amendment in c. 26 is to permit the companies to include such bonds so purchased in its calculations when determining the outstanding debentures or money deposits.

Coal Mines Regulation Act.—C. 27 contains three main features:

1. Provision is made for certificates of competency for a mine surveyor to be issued in much the same manner as certificates of competency are now provided for mine manager, underground manager and the like. Provision is then made in respect of the qualification of a mine surveyor and the conditions upon which a certificate of competency may be issued.

2. The amendments provide that where the owner of a mine is about to abandon the mine or any part thereof he shall before such abandonment send to the Minister a plan showing the boundaries and extreme limits of the workings of the mine and that he shall not abandon the mine or any part thereof within thirty days of the giving of such notice. If any mine is abandoned and these provisions are not complied with the Minister may cause the mine to be reopened and have an active plan of the workings made by a mine surveyor, all at the expense of the owner.

3. The safety provisions in respect of engine operators at the present time apply only to engines or the like on the surface, and the amendments require the same degree of competency to underground workings.

Public Archives.—C. 28 in effect provides that full-time employees of the Public Archives Board shall be deemed to be persons employed in the public service of the Province so as to entitle those employees to the provisions of the Provincial Superannuation Act. The Board is required to deduct from the salary of its employees the same amount as is deducted from regular civil servants, and to pay the same over to the Treasurer.

Liquor Control.—S. 1 of c. 29 makes it an offence to deface a permit issued by the Commission. This provision is presently in the regulations and is now enacted in the Liquor Control Act. At the present time where a licence or permit has been cancelled and the person whose permit or licence was so cancelled is convicted of an offence against the Act, the Commission is not permitted to issue a new permit or licence for one year after the cancellation in the case of a first cancellation or for a period of five years in the case of a second or subsequent cancellation. The period in respect of a second cancellation is reduced from a period of five years to three years.

Ss. 3 and 4 of the Act deal with the penalty for a person who obtains or consumes extracts. At the present time the penalty for selling, obtaining or consuming extracts is for the first offence not less than six months' imprisonment nor more than a year, and for a second or subsequent offence imprisonment for not less than one year. The effect of the amendment is not to disturb the penalty for selling such extracts but to lessen the penalty for obtaining or consuming such extracts. The penalty for having or consuming such extracts is for a first offence a fine of not less than $100 nor more than $1,000, and for a second or subsequent offence to imprisonment for not less than three months.

Old Age Pensions.—At the present time the Governor in Council is authorized to enter into and carry out agreements with the Governor General in Council relating to a scheme of old age pensions made pursuant to any statute of the Dominion. The recent alterations in the pension allotments were made under the provisions of the War Measures Act and c. 30 is to authorize any agreement either made under any Act of the Dominion or in accordance with any order in council or regulation made under the authority of any such Act.

Motor Vehicle.—S. 1 of c. 31 makes it an offence to operate a motor vehicle in violation of any special provisions attached to a licence.

At the present time it is an offence to drive a vehicle at such a speed as to endanger life, limb or property of any person. S. 2 makes it an offence to drive at such a speed or in such other manner as to endanger life, limb or property.

S. 3 re-enacts a sub-section of s. 109 which at the present time provides that there shall in no case be more than two persons in the front seat of a vehicle together with the driver. Some question was raised as to what constitutes a front seat of a single seated vehicle, and the amendment now provides that there shall not be more than two persons in the same seat with the driver.

S. 6 authorizes the Minister to regulate and license commercial motor vehicles operated upon Provincial highways and to prescribe the fees for such licences and to regulate the hours of labour for drivers of commercial vehicles. Such regulations shall not grant any franchise or exclusive right. These provisions are of a temporary nature until the provisions of the Motor Carrier Act granting franchises to such vehicles come into force.

Lands and Forests.—S. 1 of c. 33 provides for a form of notice to be given to the Minister in respect of big game killed during the year. The present provisions respecting an affidavit to be made before a ranger are repealed.

S. 2 delays the opening of the rabbit season by one day. At the present time the big game season closes on November 15, and the rabbit season opens the same day, and conflicts occur in respect of the kind of firearm that may be carried. The rabbit season is delayed by one day to get rid of this conflict.

S. 3 authorizes the killing of any otter which is doing damage to any property.

S. 4 prohibits the taking of muskrat by any system of multiple trap or nets.

Ss. 5, 6 and 7 close the season on ruffed grouse.

S. 8 authorizes the killing of cock pheasants in the Counties of Annapolis, Digby, Kings and Queens for ten days beginning October 24, 1944. S. 9 prohibits the selling of any skins for ten days after the opening of the season in place of the three-day limit now in the Act.

Ss. 10 and 11 prohibit the carrying of any shot gun cartridges loaded with ball other than BB at any time.

S. 12 authorizes the Minister to pay a bounty for the destruction of bear, either in the sum of $10.00 or of a sum equal to the bounty paid by the Municipality, whichever is the greater.

Apprenticeship.—C. 34 in effect provides that a Director of Apprenticeship may be appointed under the provisions of the Civil Service Act, whereas the earlier statute provided that the Director of Apprenticeship should be the Deputy Minister of Mines. The Apprenticeship Act is made applicable to both male and female persons and provides that an assessment may be made both on employers and employees to assist in defraying the cost of maintaining the apprenticeship scheme. Inasmuch as certain trades are of a seasonal nature the apprenticeship shall consist of 2,000 hours of productive work.

Assessment.—At the present time, the scale of fees for a constable acting under a warrant are so small that it is difficult to get constables to act. C. 35 provides that any council may prescribe the scale of fees under any warrant either on distress of sale or on arrest and imprisonment, and that until the Council otherwise prescribes the existing fees shall continue. S. 2 of the Act provides for the disposition of excess money received from the sale of lands of a non-resident.

Workmen's Compensation.—S. 1 of c. 36 will require the employer to give the injured workman as well as the Board notice of any objection he may have to any claim for compensation made by the workman. S. 2 does away with a thirty-day limit on medical aid and authorizes the Board to pay for medical aid which in the Board's opinion is necessary as a result of an injury. This section also provides for a replacement of natural limbs or natural teeth required as the result of any accident and the repair and replacement of the same for all time in the discretion of the Board instead of for one year as at present.

S. 3 places the lumbering industry on the same scale of compensation and medical aid as all other industry, instead of restricting compensation to 60 per cent. of average earnings. The section also authorizes an increase from 55 per cent. and 60 per cent. to 66⅔ per cent. of the wages on which compensation was based at the time of the accident. S. 4 raises the minimum compensation from $8.00 a week to $10.00 a week. S. 5 includes dermatitis as a compensable disease.

Public Health.—S. 1 of c. 37 requires every medical practitioner and the head of every hospital, laboratory, college, public institution or place of detention to make a report to the Minister of Health of the name and address of every person coming under his treatment or supervision where such person is infected with venereal disease. Heretofore this report was required only to be made by number and without disclosing the name of the infected person.

Ss. 2 and 3 combine the regulation making powers with respect to venereal disease into one section. S. 4 provides for pasteurization by the flash system, so called, but this flash system is only to be used where authorized by the Minister in respect of any particular plant or equipment.

Municipal Affairs.—S. 1 of c. 38 provides that the City of Halifax may borrow money for the purposes mentioned therein on obtaining the approval of the Minister of Municipal Affairs in lieu of the present obligation to apply to and obtain the consent of the Legislature, and further provides that certain sections of the Municipal Affairs Act shall apply to the City of Halifax.

S. 2 amends s. 20 of the Municipal Affairs Act. The section heretofore provided that where there was a surplus in a Sinking Fund that such surplus should be paid into such other Sinking Funds as the Minister directs. The amendment deals with the situation where there are no other Sinking Funds and in that case the surplus in the last Sinking Fund is to be applied in such manner as the Minister directs in each case.

S. 3 amends s. 22 of the Act. That section now provides that any premium received on the sale of a serial debenture shall be used for redemption of the debentures and for no other purpose. This is inconvenient in respect of small surpluses and the amendment provides that the premium so obtained may be used in such manner as the Minister approves.

Agriculture and Marketing.—C. 39 is now divided into two parts, Part I dealing with amendments to the Agriculture and Marketing Act of general application, and Part II dealing with the sale of milk.

The first four sections of Part I deal with the composition and internal management of the Nova Scotia Farmers' Association, County Farmers' Associations, District Farmers' Associations and Community Clubs. S. 5 provides for a hatchery approval policy which in effect is putting into the statute the practice of the Department for some years past.

S. 6 amends s. 116 dealing with the taking of cranberries and foxberries. Heretofore, the Act set out the season during which cranberries and foxberries should not be picked, but as the season varies from year to year and varies in different parts of the Province, provision is now made for a Cranberry Committee consisting of the Warden of the municipality, the Clerk of the municipality and the agricultural representative of the municipality, and this Committee may fix the times during which cranberries or foxberries may not be taken.

Part II deals entirely with the control of milk and milk products. The present Dairy Arbitration Commission is in effect continued, but the personnel is changed, and hereafter the Commission is the members of the Public Utilities Board. The powers of the Board are extended so as to include milk in any form, including butter and cheese. The provisions of the Public Utilities Act conferring any power or authority on the Board of Commissioners or any member thereof shall *mutatis mutandis* apply to the Commission.

Public Highways.—Ss. 1 and 2 of c. 40 in effect provide that that portion of highways tax which is determined by the assessed valuation of property is frozen at the 1942 assessment, so that hereafter no increase in assessed valuations will directly affect the amount of highways tax payable.

Ss. 3, 4 and 5 prohibit the erection of any fences, railing, wall or hedge in any highways ditch.

Barristers and Solicitors.—C. 41 provides that no corporation shall carry on the practice of a barrister and that no person who is not a member of the Society shall carry on such practice. The carrying on of the practice of a barrister shall be deemed to include for the purposes of the Act the doing of the various things mentioned in the Act. The amendment provides that no person except a person carrying on the practice or profession of a barrister shall advertise or hold out that he has in his employ a barrister whose services are available to the public, and soliciting or canvassing is prohibited. There are two protection clauses in the amending Act and no person shall be liable to a penalty for doing any of the things mentioned in the amendments if the act or thing was done within ten miles from an office maintained by a member of the Society.

Further to this, no action shall be commenced after six months after the time of the commission of the alleged offence nor without the leave of the Attorney General.

Municipalities.—S. 1 of c. 42 deals with the situation where only one councillor was nominated in a two councillor constituency and makes the machinery clear in those circumstances. S. 2 strikes out some words from s. 75, which words have no meaning therein.

S. 3 provides that a council may by by-law pay municipal councillors a sum not less than $125 annually in place of the present provision of $50.00 annually. S. 4 provides that the Council may appoint a Deputy Treasurer who shall, if required by the Council, perform the duties of the Treasurer or such duties as may be prescribed by the Council. S. 5 authorizes a municipality to pay over the amount of the levy collected by its officials for any other person in lieu of the cash received. Provision is made for a reserve for losses that may occur in the collection. S. 6 provides that a municipality may temporarily postpone the issue of debentures and borrow from a chartered bank and repay the bank from the proceeds of the debentures when sold, making the municipal procedure the same as that in the towns.

Towns' Incorporation.—S. 79 of the Towns' Incorporation Act now provides that the advance poll shall be counted at five o'clock in the afternoon of polling day. A further section of the Towns' Incorporation Act authorizes the Town Council to extend the time for closing the poll beyond five o'clock. This would mean that where the Council has so extended the time, that the advance poll would be counted before the regular poll is closed. An amendment in c. 43 provides that the advance poll shall be counted at the time fixed for closing the poll on election day. The second section of this Act authorizes towns to make contributions to the Canadian National Institute for the Blind.

Mines Act.—S. 1 of c. 44 requires holders of licences to forward renewal applications not later than the expiry date of the lease so that the Department can know whether ground is to be vacant or not. S. 2 makes it clear that the fee for renewal licence is the same as the fee for original licence.

Ss. 3 and 4 remove reference to oil and gas licences since oil and gas are now covered by a separate Act. S. 5 provides that recognition is to be given to the fact that a holder of a licence has done more than sufficient work on some leases and if the total work is sufficient for all the leases held renewals may be granted.

7. ONTARIO

[*Contributed by* K. G. MORDEN, ESQ.]

1943

ACTS passed, 53; Public, 37; Private, 16.

Labour Relations.—The Collective Bargaining Act (c. 4) imposed a duty upon employers to negotiate with representatives of bargaining agencies (Trade Unions) with a view to the conclusion of an agreement setting forth the terms and conditions of employment. The Act provides for certification by the Labour Court (constituted by c. 11 as a special branch of the Supreme Court of Ontario) of bargaining agencies. The right of a bargaining agency to certification depends upon whether it represented the majority of employees within a unit of employers (employer unit, craft unit, plant unit or subdivision thereof as appropriate).

The effect of certification is to impose upon the employer a duty to bargain collectively with the certified agency. The administration of this Act is placed in the hands of the Labour Court, which is given exclusive and final jurisdiction in all matters arising under the Act.

The Act has been held to be *intra vires* of the Provincial Legislature: *Local* 100, *United Steel Workers of America* v. *Steel Co. of Canada* (1944) *O.R.* 299. (C. 4 was repealed by the Labour Relations Act, 1944.)

Fatal Accidents.—The Fatal Accidents Act is amended (c. 6) by a provision that in any action under the Act damages may be awarded (*a*) not exceeding $125.00 for funeral expenses and (*b*) not exceeding $125.00 for cost of transporting the body of the deceased from the place of death to the place of interment.

Cancer Treatment and Research.—The Ontario Cancer Treatment and Research Foundation is incorporated (c. 19) to consist of seven to ten members appointed by the Lieutenant Governor in Council with the object of conducting a programme of diagnosis, treatment and research in cancer. It is empowered to enter into agreements with any university, medical association, hospital, etc., for the purpose of carrying out its object.

1944

ACTS passed, 88; Public, 69; Private, 19.

Hours of Work and Vacations in Industry.—The Hours of Work and Vacations with Pay Act (c. 26) provides that the working hours of an employee in any industrial undertaking shall not exceed eight in the day and forty-eight in the week, and that every such employee shall be given a vacation of one week with pay for every working year of his employment. The Act does not apply to employees whose duties are entirely of a supervisory, managerial or confidential character.

Qualification of Justices of the Peace.—Prior to the Justice of the Peace Amendment Act (c. 28) the Lieutenant Governor was empowered to appoint by commission Justices of the Peace. This Act now provides that any person, other than a barrister or solicitor, shall not be appointed a Justice of the Peace without a certificate of a judge of a county or district court or of such person as may be appointed for that purpose by the Lieutenant Governor that he has examined the applicant and finds him qualified for the office, and that in his opinion a Justice of the Peace is needed for the public convenience.

Labour Relations.—In February, 1944, the Governor General in Council, under the provisions of the War Measures Act, by P.C. 1003 made the Wartime Labour Regulations. These Regulations applied to industries within federal jurisdiction in normal times and, in addition, to certain enumerated wartime industries. The Regulations establish a Wartime Labour Relations Board with wide jurisdiction, which may be delegated, and provide for compulsory collective bargaining, certification by the Board of bargaining representatives, the duration and renewal of collective agreements, procedure on the violation of such agreements, unfair labour practice, limitations on the rights to strike and lockout and for conciliation. The Ontario Legislature then passed the Labour Relations Board Act (c. 29) which repeals the Collective Bargaining Act, 1943, and provides for the adoption by Provincial Order-in-Council of the Dominion Regulations. The Act establishes an Ontario Labour Relations Board to administer the Regulations. Subsequently the Wartime Labour Relations Board delegated its jurisdiction over industries in Ontario to the Ontario Board. There is a right of appeal from the Ontario Board to the Dominion Wartime Labour Relations Board. The Wartime Labour Relations, depending as they do upon the Dominion Government's power under the War Measures Act, will cease when the latter Act ceases to operate. The Ontario Labour Relations Act provides, however, that the Regulations in so far as they are applicable to employees whose relations with their employers are within the legislative jurisdiction of the Ontario Legislature shall continue in effect notwithstanding the revocation or amendment of the Regulations or their lapse because of the termination of the war.

The Rights of Labour Act (c. 54) preserves several provisions of general application which were contained in the Collective Bargaining Act, 1943, such as—a trade union and its acts shall not be deemed unlawful by reason only that one or more of its objects are restraints of trade, an act done by two or more members of a trade union if done in contemplation or furtherance of a trade dispute shall not be actionable unless actionable if done without any agreement, or combination, etc.

Legal Profession.—The Law Society Amendment Act (c. 30) authorizes the establishment, by the Benchers of the Law Society, of a Law Benevolent Fund for the benefit of barristers or solicitors, their widows, orphans or dependants.

Racial Discrimination.—The Racial Discrimination Act (c. 51) prohibits the publication or display on lands or premises or in a newspaper, through radio broadcasting or by means of any other medium, of any notice, sign, symbol, emblem or other representation indicating discrimination against any person or class because of race or creed. The Act " shall not be deemed to interfere with the free expression of opinion upon any subject by speech or in writing and shall not confer any protection to or benefit upon enemy aliens."

Publication of Regulations.—The Regulations Act (c. 52) provides for the filing with a Registrar of regulations, rules, orders or by-laws of a legislative nature made or approved under the provisions of any Act of the Ontario Legislature by the Lieutenant Governor in Council, a Minister of the Crown, a Department of the public service, a government official or of a board or commission, all members of which are appointed by the Lieutenant Governor in Council; by-laws of a municipality are excepted. Every such regulation, etc., shall within a month of filing be published in the *Ontario Gazette* and a regulation which is not published shall not be valid as against a person who has not had actual notice of it. They shall be numbered in the order in which they are filed and a new series shall be commenced in each calendar year.

8. PRINCE EDWARD ISLAND

[It is hoped to publish the review in the next issue.]

9. QUEBEC

[*Contributed by* THE HON. MR. JUSTICE FABRE SURVEYER.]

FORTY-SIX public Acts and fifty-one private Acts were passed in 1944.

Family Courts.—C. 10 empowers the Cabinet by proclamation to establish Family Courts as courts of record for territories having a city of over twenty-five thousand souls, the presiding judges to be appointed during good behaviour and to receive a salary of six thousand dollars per annum. For a Family Court established in the city of Montreal not more than three judges, of whom one is senior judge, is to be appointed.

The Act regulates concerning the oath of office, the sittings, appointments of clerks, deputy clerks and all other necessary officers and employees, duties of clerks, etc., and provides that the sheriff is to be an officer of every Family Court established in his district and the constable likewise. Moreover, the Attorney-General, if authorized by the Cabinet, is enabled to make an arrangement with a municipality to contribute towards the expenses resulting from the establishing of a Family Court with jurisdiction over the territory of the municipality, and the municipal council may by an ordinary by-law, authorize the signing of an agreement to that effect and the payment of the contribution. In addition, the Cabinet may, by proclamation, extend the jurisdiction of any Family Court to any municipality of the judicial district in which it is established; the Act also decrees that every Family Court is a Juvenile Court within the meaning of the Juvenile Delinquents Act (Statutes of Canada, 1929, 19 & 20 George V. c.46), and every judge of a Family Court a judge of a Juvenile Court within the meaning of the same Act. The Cabinet may determine and approve the institutions to be used as industrial schools within the meaning of the same Act and authorize the Provincial Secretary to make agreements at his discretion with the owners or managers of these institutions for the custody and maintenance of the children committed to them, the cost of maintenance, custody, etc., to be paid according to the provisions relating to such matters in reformatory schools.

After the date when a Family Court is established by proclamation for any territory which includes the city of Montreal, the Juvenile Delinquents' Court is abolished and its records and archives must be transmitted to the Family Court; Division VI of Part II of the Courts of Justice Act (Revised Statutes, 1941, c. 15) is repealed afterward also, and Division VII of Part II of the same Act is repealed after the date when a Family Court is established for any territory which includes the city of Quebec with the Juvenile Delinquents' Court of Quebec abolished also. The Act came into force on June 3, 1944, the day of its sanction.

Prisoners.—Under c. 12, the Support of Prisoners Act (Revised Statutes, 1941, c. 33) is repealed as from April 1, 1944.

Education.—C. 13, amending the Education Act (Revised Statutes, 1941, c. 59) as amended by the Act 1943 George VI, c. 13, enacts that the compulsory school admission age is changed from five years to six years of age, among various other enactments.

C. 14, amending the Education Act (Revised Statutes, 1941, c. 59), enables commissioners and trustees to furnish children attending school with text-books free of charge at their discretion, and declares that obligatory text-books must be furnished free of charge to the school children. The consent of the Superintendent is required in order to change text-books in use in the schools and a monetary fee may be demanded for the higher grades.

In order that greater benefits may accrue to Protestant education, c. 15 authorizes the Protestant Committee of the Council of Education to erect and incorporate Protestant Central School boards for the purpose of more equitable distribution of government grants, the adjustment of tax rates and school fees over wider areas, giving better opportunities to children in rural and remote areas to receive the greatest benefits of education, and increasing the general level of education in the Protestant schools of the Province. The Act makes provisions for the appointment of members of the boards, the duties and corporate powers of the boards, the levying of taxes, etc., and came into force on June 3, 1944.

Security Transfer Tax.—C. 19 amends the Security Transfer Tax Act (Revised Statutes, 1941, c. 78) in various ways: it enacts that a civil action as well as penal proceedings may be taken to recover taxes imposed by the Act, etc.

Hospital Tax.—By c. 21, the hospital tax on meals is decreased as from May 1, 1944.

Hydro-Electric Commission.—In order to supply power to the municipalities, industrial and commercial undertakings and citizens of the Province at the lowest rates consistent with sound financial administration, c. 22, amending the Revised Statutes, 1941, creates a corporation called the Quebec Hydro-Electric Commission with its chief seat in the city of Montreal, the Commission to have all the powers of a corporation constituted by letters patent under the great seal of the Province and of not more than four other members, all appointed by the Cabinet which likewise fixes their salaries; the members of the Commission are not permitted to have any direct or indirect interest in undertakings for the generation or sale of power or for the manufacture or sale of apparatus for the utilization of power. The Act provides that a majority of the members constitute a quorum at the sittings and an absolute majority of members are required for every decision, and it also enables the Cabinet to appoint a substitute member in case of absence, illness or incapacity of any member; the Commission has unlimited power to possess movable and immovable property, and the members are without any personal liability for all acts done in good faith in the performance of their duties. No writs of *quo warranto, mandamus*, prohibition or injunction may be issued with respect to the duties or actions of the Commission or of any of its members.

The Commission is obliged to establish the tariff applicable to each class of consumer according to the real cost of the service and to supply power wholesale to every municipality that applies for it, providing that the latter has complied with the provisions of the Electricity Municipalization Act (Revised Statutes, 1941, c. 213) and the Commission is able to serve it economically at the time. The Act provides for investment of funds, and no decision made concerning any of these powers is subject to revision by the Courts.

In addition, the Act regulates the borrowing powers of the Commission, and advances made to it by the Provincial Treasurer, if authorized by the Cabinet. Among the special powers given to the Commission is the power of expropriation, the power to generate, acquire, sell, transmit and distribute power throughout the Province, and the Provincial Treasurer, if authorized by the Cabinet, may make advances to the Commission up to ten million dollars out of the consolidated revenue fund to construct electric distribution lines to serve rural municipalities. Moreover, the Commission is not deemed a public service within the meaning of the Electricity Act (Revised Statutes, 1941, c. 99) or the Transportation and Communication Act (Revised Statutes, 1941, c. 143) except for certain specified provisions.

From April 15, 1944, the undertaking of Montreal Light, Heat and Power Consolidated is expropriated by the Quebec Hydro-Electric Commission, excluding property outside the Province, and from the same date all the shares of the capital stock of Beauharnois Light, Heat and Power Company become the property of the Quebec Hydro-Electric Commission. The Act provides for the indemnity due and the required procedure, and declares that the Commission is substituted for the Streams Commission for purposes of the Agreement with Ontario (1943 George VI, c. 20). The Act came into force April 14, 1944.

Colonization.—C. 23 secures for settlers the credit necessary for proper working of their lots, by creating an annual fund of fifty thousand dollars for the payment of the interest on loans to settlers made by co-operative syndicates and for the payment of the premiums on insurance policies assigned as security for loans, the Cabinet to determine the conditions upon which the loans are made. The Act came into force March 9, 1944.

Farm Credit.—C. 25, amending the Quebec Farm Credit Act (Revised Statutes, 1941, c. 113, as amended by 1942 George VI, c. 40), increases the amount which the Farm Credit Bureau may borrow by issue of bonds or otherwise from forty-eight million dollars to fifty million dollars.

Game.—By c. 28, it is forbidden to hunt, kill or take any beaver at all times except during the season, in the zones and subject to conditions fixed by regulation of the Cabinet; all game animals killed or taken while causing damage now become the property of His Majesty whereas formerly only moose, caribou and deer killed or taken in this manner became His Majesty's property; and the shipping of moose, deer and caribou is made subject to new regulations in regard to licensing, etc. Sanctions are provided for violation of the provisions of the Act which came into force on the day of its sanction, March 9, 1944.

Labour Relations.—C. 30 decrees that every employee and employer has the right to be a member of an association and to participate in its lawful activities. The Act creates a body called the Labour Relations Board to consist of a chairman and two other members appointed by the Cabinet who also fixes their remuneration payable by the Minimum Wage Commission; it further regulates concerning a quorum, absence of members, corporate seat, etc., and the Board is endowed with all the powers, immunities and privileges of commissioners appointed under the Public Inquiry Act (Revised Statutes, 1941, c. 9). All associations wishing to be recognized under the Act as representing a group of employees or employers must apply by petition in writing to the Board, which is authorized to determine after inquiry what group of employees or employers the association represents and to issue a certificate to this effect.

The Act makes provisions for the negotiation of collective Agreements, their duration and renewal, etc., and designates a number of forbidden practices: interfering with employees' and employers' associations, discrimination against members of employees' associations, etc. It is not permitted to produce evidence to establish that an investigation or prosecution under the Act has been taken on the complaint of an informer or to discover the identity of the latter. The Act came into force on February 3, 1944.

Social Welfare.—C. 32, amending various statutes, authorizes the establishment of a Department of Social Welfare presided over by a Minister of Social Welfare who has charge of the administration and direction of the department, and in particular of promoting, by all means and measures which he may deem adequate, the development of social welfare in the Province and scientific studies on social welfare; and supervising the administration and the carrying out of the laws respecting the protection of children, assistance of needy mothers, old age pensions and pensions for the blind, and public charities with the exception of medical or hospital public charities. The Act comes into force on the date fixed by proclamation by the Lieutenant Governor.

Protection of Children.—Under c. 33, a Child Protection Superior Council is established, the Council composed of twelve members appointed by the Cabinet, of whom ten are Roman Catholics, and two Protestants, three members designated by the assembly of Roman Catholic Bishops of the Province, one by the Provincial Secretary, another by the Minister of Health; a judge and at least one person of the female sex.

The functions of the Superior Council are delineated in the Act: to study all questions relating to the protection and welfare of children, to institute, when requested by the Cabinet or Minister of Social Welfare, inquiries into all matters relating to the protection and welfare of children, inquiries into establishments and institutions where children are received, kept or treated, etc. The Act enables the Council on recommendation of the Cabinet to authorize all associations incorporated without object of pecuniary gain, and whose object is to assist neglected and indigent children, to exercise the rights and perform the duties conferred upon child protection societies. Moreover, a superintendent and deputy superintendent of child protection with specified powers are appointed by the Cabinet in accordance with the Civil Service Act.

The Act defines in detail what constitutes a neglected child in need of protection and the necessary procedure to have a child declared to be a neglected child.

Fishery.—The preamble to c. 35 states that in order to ensure the development of fisheries, it is expedient to establish a school specially devoted to teaching the technique of fishing, the preparation of fish and related trades; accordingly, the Act empowers the Cabinet to authorize the Minister of Fisheries to construct and equip an intermediate fishery school and for this purpose to expend an amount up to fifty thousand dollars out of the consolidated revenue fund, the school to be an arts and trades school under the Specialized Schools Act (Revised Statutes, 1941, c. 63). The Act came into force on the day of its sanction, June 3, 1944.

Construction of Dwellings.—Notwithstanding any general law or special Act to the contrary, c. 37, for the purpose of encouraging the construction of dwellings, permits municipal corporations, by by-law, to grant commutations of taxes on designated dwelling-houses built in their territories between April 1, 1944, and April 1, 1947, the commutation not to apply to school taxes nor to water-rates or compensation for water, and subject to the approval of the Quebec Municipal Commission.

For the same purpose, c. 38 enables the Provincial Treasurer if authorized by the Cabinet to make contracts with corporations or co-operative syndicates as well as with the Federal Government to join with them for purposes of loans to assist in the construction of dwelling-houses, the Cabinet to determine the conditions of the contracts subject to certain restrictions. The Cabinet is also given discretionary power to make useful regulations for the carrying out of the provisions of the Act, the regulations to have the same effect as if part of the Act. The Act authorizes the expenditure of an amount up to one million dollars from the consolidated fund for the carrying out of its provisions.

Evidence.—C. 44 states that powers of attorney executed out of the Province of Quebec in the presence of one or more witnesses and authenticated before an ambassador, high commissioner, chargé d'affaires or consul of Canada or of His Majesty, etc., as well as powers of attorney executed in time of war in the presence of one or more witnesses out of the Province by a member of the armed forces and authenticated before a major or other officer of equivalent or higher rank make prima facie proof of the contents thereof, without any evidence being necessary of the seal or signature affixed to such original or copy, or of the authority of the officer granting them.

Nullity of Marriage.—Service on the Attorney-General is required by c. 45 in actions in nullity of marriage, at least 30 days before the day fixed for proof and hearing; the Attorney-General may then intervene in the case on behalf of the Crown and the Judgment of the Court must mention the intervention and conclusions of the Attorney-General as if the latter were a party to the suit.

Examination on Discovery.—C. 45 also increases the number of persons who may be examined after defence fyled, including the person whose rights are exercised by the opposite party as *prête-nom,* subrogated party, transferee, tutor, curator or in any other similar capacity.

10. SASKATCHEWAN

[*Contributed by* J. P. RUNCIMAN, ESQ., *Legislative Counsel.*]

(FIRST SESSION)

OF the 106 Acts passed 100 were public and 6 private.

Elections.—The day for nomination of candidates must now, by No. 2, be not more than thirty nor less than twenty days from the date of the writs of election; and the fourteenth day after nomination is polling day. Hitherto nomination day was not more than twenty nor less than sixteen days from the date of the writs, and polling day was the seventh day after nomination day.

Active Service Voters' Representation.—No. 4 provides for the election by Saskatchewan members of the forces of three members to sit in the Legislative Assembly, one of the members to be elected by voters who at the time of the election are in Great Britain or an extended area defined by the Lieutenant Governor in Council, one by voters in countries bordering on the Mediterranean Sea and one by voters in Canada outside Saskatchewan or in Newfoundland.

Reconstruction.—No. 11 sets up a Department of Reconstruction, Labour and Public Welfare. The reconstruction duties of the new department are to administer such matters relating to reconstruction and rehabilitation as are assigned to it by the Lieutenant Governor in Council and to take necessary measures for the rehabilitation of discharged members of the armed forces who require civil employment. The Bureau of Labour and Industries and the Bureau of Child Protection are replaced by the new department.

Service of Process by Mail.—No. 17 amends the District Courts Act to provide that, in addition to any other method of service allowed by the rules of court governing practice and procedure in the district courts, a writ of summons, statement of claim or garnishee summons may be served upon a defendant resident in Canada by forwarding to him a true copy thereof by registered mail. Hitherto service might be effected by registered mail only upon defendants resident in Saskatchewan.

Surrogate Courts.—A new section inserted by No. 18 in the Surrogate Courts Act embodies the rules of court governing proof of execution of wills and further provides that, if at the time a will is executed the subscribing witnesses make affidavits of execution and the will is deposited in the office of the clerk of a surrogate court accompanied by the affidavits of execution and by a statutory declaration of the solicitor by whom the will was drawn setting forth that the will was executed on a specified date, then the affidavits of execution shall be prima facie proof of the due execution of the will. The statutory declaration must be made before a solicitor or justice of the peace, other than a partner, an employer or an employee of the declarant.

Another amendment authorizes the judge to dispense with the giving of an administration bond where he is satisfied that proper inquiry has been made and it is sworn that to the best of the deponent's information and belief there are no debts for which the estate is or may be liable and (*a*) the estate does not exceed in value the sum of $1,000; or (*b*) the administrator is the beneficiary; or (*c*) all parties who are or may be beneficially interested in the estate consent thereto in writing. If there are debts for which the estate is or may be liable the judge may dispense with the giving of a bond where the creditors and all parties who are or may be interested in the estate consent thereto in writing.

Contributory Negligence.—No. 23 incorporates the provisions of a uniform Act respecting liability in actions for damages for negligence where more than one party is at fault, which was adopted in 1924 by the Conference of Commissioners on Uniformity of Legislation in Canada and revised by the Conference in 1934 and 1935.

Trustees.—By an amendment in No. 27 to the Trustee Act trustees holding property in trust for an infant, either absolutely or contingently, are authorized to apply income towards the maintenance and education of the infant. Hitherto that power might be exercised only where the property was held either absolutely or contingently upon the infant attaining the age of twenty-one years or on the occurrence of any event previously to his attaining that age.

Co-operative Associations.—No. 62 amends the Co-operative Associations Act and authorizes the incorporation of co-operative farming associations.

Marriage.—Following on similar legislation in British Columbia, Alberta and Manitoba, No. 70 amends the Marriage Act and authorizes the Court of King's Bench upon petition to make a declaration that a spouse who has been absent and unheard of for a period of seven years or upwards is presumed dead. This declaration, in so far as authority to issue a marriage licence to the deserted spouse is concerned, has the same effect as production of a certificate of death of the absent spouse, and clergymen proclaiming banns are authorized to accept as proof of death a declaration of presumption of death.

Health Insurance.—No. 76 is a new Act. Subject to the Act and the regulations every person whose normal place of residence is in Saskatchewan is entitled to receive the benefits of health insurance conferred by the Act. The benefits to be provided are (*a*) medical, surgical and obstetrical benefits; (*b*) dental benefit; (*c*) pharmaceutical benefit; (*d*) hospital benefit; and (*e*) nursing benefit. Provision is made for division of the Province into health insurance regions. The Act is to be administered by a commission to be called the Health Insurance Commission, and the commission is directed to (*a*) investigate conditions throughout the Province with relation to the benefits to be provided under the Act; (*b*) make inquiries with a view to the establishment of health insurance regions; (*c*) make tentative arrangements with hospital boards and professional bodies for the purposes of the Act; and (*d*) report to the Minister of Public Health in what manner health insurance benefits can best be supplied to the people of the Province, the estimated cost thereof, the most advantageous method of paying for the services to be rendered to qualified persons and of providing for the cost thereof

Physical Fitness.—Under No. 77, which is a new Act, it is the duty of the Department of Public Health to take such measures as are deemed necessary for the purpose of promoting the physical fitness of the people of Saskatchewan and in particular to co-operate with the National Council on Physical Fitness established under the National Physical Fitness Act (Canada). Provision is made for the appointment of a Saskatchewan Council on Physical Fitness, and this council is directed to (*a*) consider proposals by the national council respecting the development of a programme for the promotion of physical fitness; (*b*) report to the Minister of Public Health on such proposals and make recommendations to him as to how such proposals can best be applied in Saskatchewan; (*c*) recommend to the Minister any other activities which would in its opinion promote physical fitness among the people of Saskatchewan; and (*d*) perform such other duties as the Minister may designate.

Cancer.—No. 78 is a revision of the Saskatchewan Cancer Commission Act. The commission is continued with substantially its former powers and duties. Provision is made for care and treatment of cancer patients at the expense of the Province. A patient is defined as a person afflicted with or suspected of being afflicted with cancer, and cancer is defined as including all forms and types of malignant growth and tumours and pre-cancerous conditions.

Apprenticeship.—No. 81 is a new Act which applies with respect to apprenticeship in certain designated trades, i.e., bricklayer, carpenter, electrician, mason, plumber, steam-fitter, painter and decorator, plasterer, sheet metal worker, motor mechanic, motor vehicle repairer, watchmaker, blacksmith, but the Lieutenant Governor in Council is empowered to add to or remove from the list such industries, trades, crafts or businesses or any branch thereof as he deems proper.

Responsibility for administration of the Act and supervision of apprenticeship plans is placed on an officer of the Department of Reconstruction, Labour and Public Welfare called the Director of Apprenticeship, and provision is made for the appointment of a board to act in an advisory capacity to the director.

The Act prescribes the requisites of apprenticeship plans and declares that no contract of apprenticeship shall have any effect until it has been approved and registered by the director.

Old Age and Blind Person's Pensions.—No. 84 ratifies an agreement made between the Government of Canada and the Government of Saskatchewan providing for an increase in old age and blind person's pensions. The Act also authorizes the Lieutenant Governor in Council to provide for payment by the Province of a supplemental allowance not exceeding $1.25 per month.

Workmen's Compensation.—By No. 87 the provisions of the Workmen's Compensation Act are extended to include persons employed otherwise than by way of manual labour whose remuneration does not exceed $3,500, formerly $3,000.

Labour Relations.—The Labour Relations Act (No. 95, a new measure) provides that the "Wartime Labour Relations Regulations" (Canada) shall, in so far as within or ordinarily within the exclusive legislative jurisdiction of the Province, have the force of law therein as if enacted by the Legislature, and authorizes the Government of Saskatchewan to enter into an agreement with the Minister of Labour for Canada to provide for the administration within Saskatchewan of the regulations or any part thereof. The Act also provides that the regulations shall apply in the case of employees whose relations with their employers in matters covered thereby are within or ordinarily within the exclusive legislative jurisdiction of the Province, and to the employers of all such employees in their relations with such employees, and to trade unions, employees' organizations and employers' organizations composed of such employees or employers. The Industrial Disputes Investigation Act and The Freedom of Trade Union Association Act are suspended in operation so long as the new Act remains in force.

(SECOND SESSION)

OF the 76 Acts passed 70 were public and 6 private.

This was a special session called by the new Government (Co-operative Commonwealth Federation) which took office on July 10, 1944, following the general election on June 15, 1944.

New Departments.—The Department of Reconstruction, Labour and Public Welfare was abolished and replaced by three new departments, namely, the Department of Reconstruction and Rehabilitation (No. 9), the Department of Labour (No. 7) and the Department of Social Welfare (No. 10), and another department was constituted, namely, the Department of Co-operation and Co-operative Development (No. 6).

Natural Resources.—New sections inserted by No. 8 in the Department of Natural Resources Act give the Minister power (*a*) to purchase or expropriate land held under any agreement or arrangement with the Crown and the trees, timber, water, water power, mines, minerals and quarries in, on or under such land; (*b*) to purchase or expropriate any factory, plant, machinery, equipment, etc., operated or used in developing or exploiting Crown property; (*c*) to operate works acquired by purchase or expropriation; (*d*) to do all things deemed necessary to develop and utilize the natural resources of the Province; and (*e*) to purchase and sell or otherwise dispose of or utilize any product of the natural resources of the Province.

Another amendment renames the department as the Department of Natural Resources and Industrial Development.

Insurance.—No. 13 is a new Act which sets up an insurance office as a branch of the public service, and the office is placed under the control of a manager, who is constituted a corporation. The Government is empowered to engage in and carry on business in various classes of insurance including fire, life, automobile, accident, sickness, guarantee and theft. The classes of insurance which may be carried on by the insurance office are to be designated from time to time by the Lieutenant Governor in Council.

Government Purchasing Agency.—All supplies required by departments of the Government must be purchased through the Government Purchasing Agency established by No. 16. The agency is under the control of a chief officer known as the Director of Purchases.

Tax Commission.—No. 17 repeals the Provincial Tax Commission Act. Various taxation Acts which were administered by the commission are now administered by the Treasury Department.

Reconstruction Fund.—Under the provisions of No. 19, sums of money not exceeding $5,000,000 may be borrowed by the Province to provide funds for capital expenditures for the purposes of reconstruction and rehabilitation. Moneys borrowed and moneys appropriated by the Legislature for the purpose of reconstruction or rehabilitation are to be placed to the credit of " The Reconstruction and Rehabilitation Fund," and moneys at the credit of the fund may be disbursed for the purpose of meeting such capital expenditures authorized by appropriation of the Legislature as may be designated by the Lieutenant Governor in Council.

Mineral Taxation.—No. 27 provides for two new taxes on owners of minerals, namely, (*a*) an acreage tax and (*b*) a tax on the assessed value of the minerals. The average tax is three cents for every acre of land of which the owner is also the owner of the minerals. The mineral tax is not to exceed ten mills on the dollar of the assessed value of the minerals as shown on the assessment roll prepared by the assessor pursuant to the Act. Penalties are prescribed for non-payment of the tax and provision is made for forfeiture to the Crown of minerals where the tax thereon remains unpaid on the thirty-first day of May of the year next following the year in which the tax becomes due and payable.

Exemptions from Seizure.—An amendment to the Exemptions Act in No. 29 exempts from seizure under writ of execution the seed grain of an execution debtor sufficient to sow all his land under cultivation at the rate of two bushels per acre. Hitherto the exemption allowed was only in respect of land not exceeding 160 acres. Another amendment exempts the crop of an execution debtor to such extent as is sufficient when converted into cash, along with any other means which he may have, to pay all unpaid legitimate costs of harvesting the crop and to provide a necessary living allowance for the support of himself and his family until the crop of the following year is about to be harvested and to provide necessary costs of his farming operations until that time.

Farm Security.—No. 30 writes a crop failure clause into all agreements for sale and mortgages of farm land. Crop failure is defined as failure of crops due to causes beyond the control of the mortgagor or purchaser, to the extent that the sum realizable from the crops is less than a sum equal to $6.00 per acre sown to grain. In case of crop failure all payments of principal are postponed for one year and the principal sum outstanding is reduced by 4 per cent. thereof or by the same percentage thereof as that at which interest is payable thereon.

Another section provided that, in so far as any final order of foreclosure hereafter made of a mortgage affects a homestead, the operation of the order and of any order for possession contained therein in so far as it affects the homestead is stayed so long as the homestead continues to be a homestead. " Homestead " is defined as the farm residence of the mortgagor and the mortgaged land on which the residence is situated not exceeding 160 acres.

Municipal Finance.—By amendments in No. 37 to the Local Government Board (Special Powers) Act the powers of the board are considerably widened with respect to adjustment and settlement of indebtedness of cities and towns, town school districts and high school districts in financial difficulties.

Larger School Units.—No. 41 is a revision of the School Divisions Act passed at the 1940 session. The Minister of Education is given power to establish school units consisting in each case of such number of rural or rural and village school districts as employ approximately 80 teachers. The Minister may act on his own initiative or after the question of the establishment of a unit has been submitted to a vote of the resident ratepayers of the school districts comprising the proposed unit. Under the former Act a school division could be established only upon petition of the resident ratepayers.

Mental Hygiene.—Amendments to the Mental Hygiene Act by No. 47 provide for care and maintenance, at the expense of the Province, in mental institutions of all persons who are residents of Saskatchewan and have been residents for at least twelve months immediately prior to admission, but in the event of the death of a person who has received free care and maintenance the expenses incurred are a charge upon and payable by the executor or administrator out of the estate of the deceased, with certain exceptions.

Fur Marketing.—A new section inserted by No. 48 in the Fur Act authorizes the Minister of Natural Resources and Industrial Development, subject to the regulations, to make arrangements with persons desiring to sell the skins or pelts of fur animals taken or raised by them in Saskatchewan or received by them in Saskatchewan in the course of their business, whereby such skins or pelts will be delivered to the department and sold by the department on their behalf.

Health Services.—No. 51 is a new Act. The Minister of Public Health is empowered to divide the Province into health regions for the administration of health services and authority is given to the Department of Public Health (*a*) to pay part or the whole of the cost of providing health services for such persons or such class or classes of persons as may be designated by the Lieutenant Governor in Council; (*b*) to make grants or subsidies to municipalities, hospital boards and health regions, or any of them, for the provision and operation of health services; and (*c*) to pay part or the whole of the cost of providing health services in any health region or part of a health region in which such services are deemed by the Minister to be required. The Act establishes a Health Services Planning Commission to assist the Government in planning health services from time to time under the consideration of the Government. The expression " health services " means services provided by any hospital, by a licensed medical practitioner or dentist, a registered nurse or any other qualified person, and includes drugs, appliances and treatment prescribed by such medical practitioner or dentist or other qualified person.

Note.—The Health Insurance Act (No. 76) passed at the first session of 1944 stands unrepealed, but it appears unlikely that any action will be taken under it until the enactment of health insurance legislation of the same nature by the Parliament of Canada.

Old Age and Blind Person's Pensions.—No. 59 ratifies an agreement made between the Government of Canada and the Government of Saskatchewan providing for an increase in old age and blind person's pensions.

Social Aid.—The Social Aid Act (No. 61) is a consolidation and revision of the Direct Relief Act. In the new Act the word " aid " is used instead of the expression " relief." Municipalities are authorized to grant aid to indigent persons who are residents thereof and to provide for their necessary medical and hospital care and treatment. Similar powers are given to the Minister of Social Welfare. The powers of the Minister will be exercised mainly in areas not included in a municipality but may also be exercised in any municipality which does not grant aid if the Minister thinks that aid should be granted. Sums expended by the Minister may be recovered in whole or in part from a municipality or local improvement district in which aid is granted " Aid " means assistance by payment of moneys or the furnishing of goods or the furnishing of services, or by two or all of such methods, and includes any other assistance that may be authorized by the Minister where aid is granted by the Province, or that may be authorized by the council of a municipality, under regulations approved by the Minister, where aid is granted by the municipality.

Annual Holidays.—No. 65 is a new Act providing that every employee to whom the Act applies shall be entitled after each year of his employment with an employer to an annual holiday of two weeks, with pay, and requiring employers to keep holiday records, which are subject to inspection by the Minister of Labour or his authorized representative. The annual holiday may be taken in one period of two weeks or in two periods of one week. The Act applies to all employers employing one or more employees but excepts from its provisions (*a*) employees engaged primarily in or about any farm, ranch, market garden or other similar place used principally for the culture or production of grain, fruit, vegetables, live stock or dairy produce; and (*b*) employees engaged in any undertaking in which only members of the employer's family are employed.

Trade Unions.—The Trade Union Act (No. 69) repeals the Labour Relations Act passed at the last session and also the Industrial Disputes Investigation Act and the Freedom of Trade Union Association Act which were suspended in operation by the Labour Relations Act.

A trade union is defined as a labour organization which is not a company dominated organization within the meaning of the Act.

The Act applies to all employers who employ three or more employees and are subject to the exclusive legislative jurisdiction of the Province.

Employees are permitted to organize in trade unions and to bargain collectively through organizations of their own choosing.

The Act establishes a Labour Relations Board of seven members, equally representative of organized employees and employers, with power to make orders (*a*) determining collective bargaining agencies; (*b*) determining what union represents a majority of employees in a unit; (*c*) requiring an employer to bargain collectively; (*d*) requiring any person to refrain from violation of the Act or from engaging in any unfair labour practice; (*e*) requiring reinstatement of any employee discharged contrary to the Act and payment of monetary loss suffered by reason of such discharge; and (*f*) requiring an employer to disestablish a company dominated union. There is no appeal from an order of the board.

The Lieutenant Governor in Council is authorized, upon application of the board, to appoint a controller to take possession of any business, plant or premises of an employer who wilfully disregards any order of the board and to operate the same until the Lieutenant Governor in Council is satisfied that the order will be obeyed.

Provision is made for the appointment of a board of conciliation to investigate, conciliate and report to the Minister of Labour upon any dispute between an employer and a trade union or between an employer and any of his employees who are not represented by a union; but the parties may refer their dispute to the Labour Relations Board, in which case the finding of the board is final and binding on the parties and enforceable as an order of the board.

Every collective bargaining agreement must contain a provision requiring maintenance of union membership as a condition of employment, and agreements already made are deemed to contain such a condition, but employees who are not members of a union when an agreement is made are allowed to continue as non-union employees. Agreements remain in force for at least one year.

Strikes and lock-outs are prohibited while a dispute is pending before the Labour Relations Board or a conciliation board.

An employer must deduct union dues from the wages of an employee when required to do so by the employee and his trade union.

The Act contains an exhaustive statement of what constitutes an unfair labour practice by an employer or an employee and imposes penalties in the event of unfair labour practices.

11. NEWFOUNDLAND

[*Contributed by* H. G. PUDDESTER, ESQ., K.C.]

DURING the calendar year 58 Acts were passed. Many of these make only minor amendments or involve administrative matters of merely local interest. Only those referred to here seem likely to be of any general interest.

Insurance.—No. 2 provides for the licensing of Life and Accident insurance agents in Newfoundland. Unlicensed agents are not permitted to write insurance or collect premiums. Returns must be made to the Assessor of Taxes by every insurer and agent showing persons authorized as agents or sub-agents in Newfoundland.

Patents.—No. 5 provides that the term of a patent in Newfoundland shall be 17 years, subject to extension by order of the Supreme Court.

Deportation.—No. 10 provides for the issue of a warrant of arrest of a person to whom an expulsion order has been directed. Such warrant is authority to law enforcement officers, transport companies and other persons to whom it may be directed for the arrest of such person and his detention in custody until his departure from Newfoundland.

No. 49 provides for the deportation of persons who remain in Newfoundland upon the expiration of a particular contract of service for which they were admitted.

Supply.—No. 12 sets up a department for the administration of Government business relating to the procurement of supplies for the public service.

Workmen's Wages.—No. 17 prohibits the payment of wages of workmen in goods or otherwise than in money. Certain deductions are permissible in respect of medical attendance, the supplying of materials and tools, educational, religious or charitable purposes, advances for travelling expenses, for the provision of a house, furniture and fuel, etc. In certain of these cases the deduction may be made only on the written order of the workman. The Governor in Commission has power to exempt any employer from the operation of the Act.

Export Duties.—No. 20 provides for an export levy upon salt fish produced during 1944 and for the application of the amount collected to any arrangement made for the assistance of the fishing industry generally or particularly.

No. 21 provides for the payment of an export levy upon sealskins and certain salt or pickled fish and for the application of the amount collected to any arrangement made for the assistance of the fishing industry generally or particularly.

Land Development.—No. 22 authorizes the Governor in Commission to reserve and set apart tracts of Crown land for the purpose of settling communities upon the land. Private lands may also be purchased or expropriated for the same purpose. The organization, management and supervision of the land development areas are under the Commissioner for Natural Resources, but after three years he may transfer such duties to a Town Council established in an area or to a co-operative society representing the majority of settlers in an area. A settler first obtains a licence to occupy a parcel of land for one year and may, by complying with the provisions of the Act as to the manner in which the land is to be developed, obtain a lease for five years and then a grant of the land. Within ten years after the grant is issued he must repay at least the cost of the dwelling house erected by the Commissioner.

Herring.—No. 34 suspends the operation of c. 156 of the Consolidated Statutes (Third Series) (which deals with the exportation and sale of bait fishes) as respects herring from June 1, 1944, to May 31, 1945.

Housing.—Nos. 36 and 37 set up the St. John's Housing Corporation for the purpose of providing and improving housing and of developing or improving lands for use in housing and for creating public amenities in connection therewith in a certain area near the City of St. John's. The Corporation may not alienate lands in fee simple but may grant leases for 999 years and no extension may be granted. The Corporation, with the approval of the Governor in Commission, may make regulations providing for the division of the area into zones, for the type, class and cost of buildings, for the use to which such building may be put, the position of buildings in relation to streets, for the size of building lots, for the protection and control of parks and open spaces; and these regulations apply to private property within the area as well as to the property of the Corporation. Procedure is laid down to govern the acquisition of private property and the compensation to be paid therefor.

Mining.—No. 47 extends the term of the agreement with the Labrador Mining and Exploration Co., Ltd., from 1946 to 1953 and amends the agreement in certain respects.

Income-tax.—No. 53 amends and consolidates the law relating to Income-tax.

Excess Profits.—No. 54 amends and consolidates the law relating to excess profits.

Venereal Disease.—No. 56 amends and consolidates the law relating to the prevention and cure of venereal disease, which formerly formed part of the Health and Public Welfare Act, 1931.

Children.—No. 57 amends and consolidates the law relating to the welfare and adoption of children and the law relating to illegitimate children, which formerly formed part of the Health and Public Welfare Act, 1931, and the Adoption of Children Act, 1940. A Juvenile Court is established by the Act.

12. BERMUDA

[*Contributed by* E. T. RICHARDS, ESQ.]

FIFTY-EIGHT Acts were passed in 1944, and of these twenty-six were amendments.

Lotteries.—No. 1 provides for the control of public lotteries and at the same time gives exemption to small lotteries incidental to certain entertainments.

Criminal Law.—No. 14 amends the Criminal Code to provide (*a*) punishment for trading in prostitution, (*b*) conviction for receiving upon an indictment charging a person with stealing, and (*c*) conviction for an offence other than that charged.

Woman Suffrage.—No. 21 has, at the end of a titanic struggle, granted women the right to vote at Parliamentary, Municipal and Parochial elections. The franchise is, however, still restricted to " property qualification."

Special Courts.—The establishment of special courts to exercise summary jurisdiction over such matters as juvenile delinquency, the care and protection and the adoption of children was provided for in No. 23. The Court shall consist of a Police Magistrate as Chairman and at least two other persons selected from a panel, one of whom must be a woman.

No. 24 amends the Protection of Children Act, 1943, so as to transfer the jurisdiction conferred upon a Children's Court to the Special Court established under No. 23. A similar transfer of jurisdiction from the Juvenile Court is effected by No. 27. Under No. 51 the machinery for the legal adoption of children is set up.

United States Service Courts.—Temporary measures were enacted under No. 31 to provide for the exercise of jurisdiction and control by United States Service Courts over members of the United States Armed Forces in Bermuda. The Act implements in certain respects the appropriate provisions of the 1941 Agreement between the U.S.A. and the United Kingdom relating to the leasing of bases to the U.S.A. Provisions were also made whereby witnesses before the United States Service Court, who were not members of the U.S. Armed Forces, could be tried before the Bermuda Supreme Court for any contempt towards the U.S. Service Court.

Marriage.—No. 25 consolidated and amended the law relating to marriage. It is a sequel to the Matrimonial Causes Bill of 1943, and repealed the Marriage Acts of 1905, 1911, 1916 and s. 28 of the Criminal Code.

Evidence.—The Evidence (Consolidation and Amendment) Act, 1905, was amended by No. 50 by the insertion of a section providing for proof of births, deaths and marriages registered outside Bermuda.

Import Duty Remission.—No. 36 was a temporary measure exempting from import duty certain consumable goods imported or taken out of bond for sale at canteens and messes appertaining to H.M. Naval establishments in Bermuda. It repealed the Ireland Island (Import Duty Remission) Act, 1943.

III. AUSTRALIA

1. THE COMMONWEALTH OF AUSTRALIA

[*Contributed by* Sir George Knowles, C.B.E., M.A., LL.M., *Solicitor-General and Parliamentary Draftsman.*]

Several of the fifty-seven Acts passed during 1944 extend the range of social benefits—The Unemployment and Sickness Benefits Act and the Pharmaceutical Benefits Act being the more important of these Acts. International arrangements are implemented by the United Nations Food and Agriculture Organization Act and the United Nations Relief and Rehabilitation Administration Act. Measures to ensure adequate supplies of coal and aluminium for defence purposes have also been enacted. These latter measures are referred to under the heading " Defence."

Assistance to States.—The States Grants Act (No. 34) grants an amount of £2,846,000 for the purposes of financial assistance to South Australia, Western Australia and Tasmania. Of this amount, £1,200,000 is payable to South Australia, £904,000 to Western Australia and £742,000 to Tasmania. The States Grants (Drought Relief) Act (No. 43) grants an amount not exceeding £1,500,000 to New South Wales, Victoria, South Australia and Western Australia or such of those States as the Governor-General, having regard to the effects of the drought on cereal crops in each of those States, determines. Any amount granted to a State is to be applied by the State in a manner approved by the Minister for the purpose of the alleviation of hardship suffered, in consequence of drought, by producers of cereal crops.

Bounties.—The Sulphur Bounty Act (No. 38) amends the Sulphur Bounty Acts, 1939, to authorize the extension of the bounty on the production of sulphur. The annual appropriation for the purposes of the bounty is increased to £180,000. The bounty is now to be based on the cost of imported brimstone. The Tractor Bounty Act (No. 37) extends the bounty on the production of tractors of the internal combustion engine type for three years at the existing rates. By the Wine Export Bounty Act (No. 45) the period during which bounty will be payable on wine exported from the Commonwealth is extended for a further two years, i.e., to February 28, 1947. The Wire Netting Bounty Act (No. 39) makes provision for the payment of bounty on the production of wire netting for a further period of three years.

Defence.—The Aluminium Industry Act (No. 44) approves and gives effect to an agreement made between the Commonwealth and the State of Tasmania on April 18, 1944, with respect to the production, for the purpose of defence, of ingot aluminium. By this agreement the Commonwealth undertakes to establish the Australian Aluminium Commission which is required, with all possible expedition, to do all such acts and things as are necessary for the production of ingot aluminium. The Commission is not, in the exercise of its powers and functions, to proceed with any single project involving the expenditure of more than £50,000 without the approval of the Minister of State for the Commonwealth administering the Act. The works of the Commission for the production of ingot aluminium are to be established in Tasmania. The sale or disposition of the whole or any part of the undertaking of the Commission is not to be effected unless approved by resolution passed by both Houses of the Commonwealth Parliament and both Houses of the Parliament of Tasmania. The objects of the Coal Production (War-time) Act (No. 1), as stated therein, are to ensure that, for the purpose of aiding the defence of the Commonwealth and the effectual prosecution of the present war, the production of coal in Australia is increased and adequate supplies of coal are provided, and to that end to set up an authority to govern and direct the production, treatment, handling, supply, distribution, marketing and consumption of coal. The Act empowers the Governor-General to appoint a Commonwealth Coal Commissioner. Provision is also made for the appointment by the Commissioner of Coal Production Councils and Coal Committees. Councils advise the Commissioner on matters relating to the production of coal and the function of a Committee is to control the distribution of coal in the State in respect of which it is appointed. The Commissioner may control the opening of new coal mines, fix prices of all coals, require owners of coal mines to make returns, investigate systems of distribution, erect and control plant, enter into contracts, terminate existing contracts, set up systems for the compulsory disposal of coal, require persons to receive coal, direct owners of coal to carry, convey or deliver coal, require an owner of a coal mine to modify plant and equipment, and make advances to owners of coal mines. He may also acquire coal and requisition equipment used in the production, treatment, handling or distribution of coal and may establish reserve stores of coal and a coal pool. The Commissioner may take control of coal mines. Compensation is payable to an owner who suffers loss or damage in respect of a mine so controlled. Persons employed in or about a controlled mine become employees of the Commissioner. One of the special conditions of employment provides for the deduction from pay of certain amounts for wilful disobedience of directions or for failure, without leave, to attend for work or to perform duties. A Central Industrial Authority may be appointed by the Minister. This Central Industrial Authority has power to consider and determine industrial disputes and for that purpose has all the powers of the Commonwealth Court of Conciliation and Arbitration. Local Industrial Authorities may also be set up to settle local industrial disputes. A Production Committee may be set up at a coal mine. This Committee is to consist of an equal number of representatives of the management and of the Australian Coal and Shale Employees' Federation. The function of a Committee is to advise persons concerned with the management and control of coal mines and to deal with industrial disputes. The Act further provides that coal is not to be disposed of except with the consent of the Coal Commissioner. The Commissioner is empowered to require owners of coal mines or coal to supply such coal as is specified in the requirement. He may also require consumers of coal to accept delivery of coal. Provision is made for the immediate investigation of safety and health questions. A State Inspector of Coal Mines is to consider any such question in co-operation with the manager of the mine affected and with a representative of employees. Upon receipt of a report from the Inspector, the Commissioner is empowered to give directions to the owner of the coal mine and any other person to do or refrain from doing all such matters or things in relation to the operation of coal mines as are specified in the direction. Where a person fails to comply with any order, direction or requirement of the Commissioner, the Commissioner may do all things which such person has failed to do. The Act is to continue till a date to be fixed by Proclamation but in any event not longer than six months after the present war. A complementary measure, namely, the Coal Mines Profits (War-time) Act (No. 2) is referred to under the heading "Taxation." The Supply and Development Act (No. 9) extends the duration of the Supply and Development Acts, 1939, until a date to be fixed by Proclamation.

Elections.—Under the Commonwealth Electoral (War-time) Act (No. 14) only members of the armed Forces who are British subjects shall be entitled to vote at Commonwealth elections. The Act also extends voting privileges to accredited war correspondents, photographers or members of broadcasting units, persons engaged in providing amenities or welfare services for members of the Forces, and certain members of the mercantile marine.

Excise.—The Excise Tariff Rebate Act (No. 21) provides for a rebate of 4½ per cent. in the duties on the manufacture of tobacco, cigars and cigarettes entered for home consumption on or after November 1, 1943.

External Affairs.—The acceptance of the Constitution of the Food and Agriculture Organization of the United Nations is approved by the United Nations Food and Agriculture Organization Act (No. 42). The United Nations Relief and Rehabilitation Administration Act (No. 40) approves the Agreement for United Nations Relief and Rehabilitation Administration which was signed at Washington on November 9, 1943. The Act appropriates such amounts, not exceeding £12,000,000, as are necessary for the contributions by the Commonwealth.

Finance.—The Financial Agreement Act (No. 46) approves an Agreement made between the Commonwealth and the States on November 15, 1944, to vary the financial Agreement of December 12, 1927, with respect to the public debts of the States. The amendments, *inter alia,* validate sinking fund contributions in respect of loans (referred to as "special deficit loans") raised by or on behalf of States on the security of Commonwealth Treasury Bills to meet revenue deficits accruing between June 30, 1927, and July 1, 1935. It is also provided that, from July 1, 1944, the Commonwealth shall make sinking fund contributions of 5/- per £100 of the amount of the special deficit loans and the State 15/- per £100. These loans amounted to £43,000,000. The Agreement enables a State to make voluntary payments to the National Debt Commission for the purpose of being applied for the repurchase or redemption of securities issued in respect of public debts of the State or loans raised for and on behalf of the State. All sinking fund contributions payable under the Agreement in respect of overseas debts are to be calculated at the mint par of exchange prevailing on July 1, 1927.

Maternity Allowance.—The Maternity Allowance Act (No. 12) increases the amount paid to a woman in respect of the four weeks immediately before and after a birth where two or three children are born at one birth. Where two children are born, the weekly amount will be 37/6 per week instead of 25/-; and, where three children are born, the amount will be 50/- per week instead of 25/-. In the case of twins, an additional £5 will be paid and, where triplets are born, the additional amount will be £10.

Pharmaceutical Benefits.—Under the Pharmaceutical Benefits Act[1] (No. 11) every person ordinarily resident in the Commonwealth is entitled to receive gratis pharmaceutical benefits which consist of uncompounded medicines and medicinal compounds the formulæ of which are contained in the Commonwealth Pharmaceutical Formulary and materials and appliances the names of which are contained in the addendum to that Formulary. The benefits are to be provided by approved pharmaceutical chemists on presentation of a written prescription on the prescribed form of a medical practitioner. Pharmaceutical chemists are to be approved for the purposes of the Act, and as such are entitled to payment from the Commonwealth in respect of benefits supplied. Payments in respect of pharmaceutical benefits are to be made from the National Welfare Fund. A medical practitioner is not to write a prescription on the prescribed form unless he is satisfied, by personal examination, that the pharmaceutical benefit is necessary for the treatment of the person for whom the prescription is written.

---

[1] The High Court, by a majority, held on November 19, 1945, that this Act is invalid. *Attorney-General for Victoria ex relatione Dale & others* v. *Commonwealth of Australia and others* (not yet reported).

Pensions.—The Invalid and Old-age Pensions Act (No. 16) increases the limit of pension from 25/– per week to 27/– per week. It also removes from the principal Act the provisions under which a quarterly review of pensions is made on the basis of the cost of living figures. By the Widows' Pensions Act (No. 15) the maximum rate of widows' pensions is increased from 25/– to 27/– per week. A widow's allowance may now be paid to a widow for a period of 26 weeks after the death of her husband notwithstanding that she is not maintaining a child at the time of the death or within 26 weeks thereafter. The Act repeals the provisions of the principal Act relating to the variation and adjustment of pensions and allowances in accordance with price index numbers.

Public Service.—The Commonwealth Employees' Compensation Act (No. 8) amends generally the Commonwealth Employees' Compensation Act, 1930. It provides that an employee shall be entitled to compensation if injured while travelling to and from work. The maximum compensation in respect of one accident is increased to £1,000. In the case of death the amount payable to the dependants of the deceased is not to exceed £800. The weekly payment in respect of total or partial incapacity will now be two-thirds of the weekly pay of the employee with a maximum of £3 and, in the case of total incapacity, an additional payment of £1 per week for a wife or dependent housekeeper and 8/6 for each dependent child under the age of 16 years. A new Schedule of industrial diseases is prescribed and increases are made in the amounts of compensation payable in respect of certain specified injuries. The Commonwealth Employees' Furlough Act (No. 33) makes some machinery amendments to the Commonwealth Employees Furlough Act, 1943, the principal of which relates to the continuity of service of an employee.

Research and Science.—The Commonwealth Observatory Fund Act (No. 41) changes the name of the Commonwealth Solar Observatory to that of Commonwealth Observatory. The Forestry Bureau Act (No. 13) makes provision for a Board of Higher Forestry Education.

Statutory Declarations.—The Statutory Declarations Act (No. 25) authorizes the making, for Commonwealth purposes, of statutory declarations before a person who may take statutory declarations under the law of the State in which the declaration is made.

Taxation.—(i) *Entertainments Tax*: The Entertainments Tax Act (No. 7) provides for the imposition of entertainments tax on the amount charged for meals and refreshments where the provision of the meal or refreshment is subordinately related to an entertainment. It also imposes tax on payments for admission to separate amusements in amusement parks. The Entertainments Tax Assessment Act (No. 6) makes extensive amendments to the Entertainments Tax Assessment Act, 1942. Provision is made for the payment of the appropriate tax where a person transfers from one part of a place of entertainment to another part. The provisions as to tax on meals and refreshments served with entertainments have been amplified. Tax will be payable on amounts paid for admission to single amusements in an amusement park. A proprietor who is dissatisfied with assessments made under the Act may appeal to a Board of Review and, on questions of law, to the High Court.

(ii) *Income Tax:* The Income Tax Act (No. 30) imposes income tax for the financial year commencing on July 1, 1944. It also imposes tax on income (other than that of companies) for the financial year which ended on June 30, 1944. The rates generally are the same as for the preceding financial year, 1943–1944.

The Income Tax Assessment Act (No. 3) effects a radical change in the basis of income tax liability. Prior to the Act, the income tax for any financial year was calculated by reference to the income of the immediately preceding financial year. The income year on which tax is to be based, is now advanced by twelve months so that, in the case of taxpayers other than companies, tax for a financial year is now based on the income of that financial year. Under the new method of taxation, tax will be payable for the financial year 1944–45 on the income of that year ending on June 30, 1945. For the financial year 1943–44, tax was payable on income of the year ended June 30, 1943. Tax on the income of the year ended June 30, 1944, will be payable to the extent only of one-quarter of the amount of tax assessable at current rates, the remaining three-quarters being cancelled. In the case of non-employees, the uncancelled 25 per cent. tax on income of the year ended June 30, 1944, will be collected in three equal instalments over a period of three years. The deductions allowable in respect of contributions to employees' pension funds are now limited to the sum of £100 in respect of each employee or five per centum of the employee's salary, whichever is the greater. The Act further extends the exemption of pay and allowances of members of the Defence Force. The income derived by a member of the Mercantile Marine of any Allied country (other than Australia) from an occupation carried on by him on a sea-going ship is also exempted provided that that income is not exempt from income tax imposed by any other Allied nation. The Act includes several amendments to the provisions relating to the collection of income tax by deductions from salaries and wages and an amendment in relation to losses by private companies in respect of previous years. The Income Tax Assessment Act (No. 2), 1944 (No. 28), provides, *inter alia,* for additional rebates. It also provides for the allowance of a deduction in respect of the estimated cost of repairs and maintenance which have had to be deferred because of the war. The deduction of expenditure incurred by taxpayers in effecting alterations to, or in the position of, plant and machinery, for war purposes, and in re-converting that plant and machinery for civil production purposes is also authorized. Provision is made for the allowance as a deduction of expenditure incurred by taxpayers in removing or demolishing enemy raids precautions structures erected on or in connection with premises owned or used by them for income producing purposes. The additional rebates relate to (*a*) children between the ages of sixteen years and eighteen years attending school or a university, (*b*) medical expenses, (*c*) dental expenses and (*d*) artificial limbs and eyes. The Income Tax (War-time Arrangements) Act (No. 32) makes provision in relation to the long service leave of certain transferred taxation officers.

(iii) *Sales Tax :* The Sales Tax (Exemptions and Classifications) Act (No. 31) exempts from sales tax equipment for irrigation, water supply, drainage and sewerage such as piping and tubing, channelling and guttering, and certain building materials.

(iv) *War-time Company Tax :* The War-time (Company) Tax Assessment Act (No. 29) amends the War-time (Company) Tax Assessment Act, 1940–1943, by the insertion of a provision the effect of which is to exclude, in the ascertainment of capital employed by a company for the purposes of the Act, any amounts allowed as deductions under the Income Tax Assessment Act in respect of deferred maintenance of property.

(v) *Miscellaneous :* The Coal Mines Profits (War-time) Act (No. 2) provides for the owner of a controlled mine to pay to the Coal Commissioner an amount equivalent to the amount of excess profits during the period of control (*see also,* under the heading " Defence," the Coal Production (War-time) Act).

Unemployment and Sickness Benefits.—The Unemployment and Sickness Benefits Act (No. 10) provides for the payment of unemployment, sickness and special benefits. Unemployment benefit is payable, with certain exceptions, to a person between the ages of 16 and 65, or in the case of a woman between the ages of 16 and 60, who is unemployed, is capable of undertaking suitable work, and has taken reasonable steps to obtain such work. Sickness benefit is payable where a person is temporarily incapacitated for work by reason of sickness or accident. The rate of unemployment benefit and sickness benefit is, in the case of an unmarried person under 18 years of age, 15/– per week, in the case of an unmarried person between 18 and 21 years of age, £1 per week, and in any other case, £1.5.0 per week. A married person having a dependent spouse will receive an additional £1 per week less the rate per week of any pension the spouse is receiving. An additional 5/– per week will be paid where there are dependent children under 16 years of age. The Act provides for a means test. Where a person qualified to receive sickness benefit is receiving other payments by way of compensation, the rate of sickness benefit is reduced by the amount per week of that payment. A claim for sickness benefit must be supported by the certificate of a medical practitioner. A special benefit may be granted to a person where by reason of age or disability he is unable to earn a livelihood and is not qualified to receive unemployment or sickness benefit. A beneficiary or claimant for benefit may be required to undergo a course of training, receive medical treatment or do any work required of him, and payment of benefits may be made subject to compliance with any such requirement.

Wheat.—The Wheat Industry (War-time Control) Act (No. 19) amends the Wheat Industry (War-time Control) Act, 1939–1940, to provide that, if and when any advances made by the Commonwealth Bank under the Act have been fully repaid, the provisions of the Wheat Industry Assistance Act, 1938, the operation of which is suspended, shall again come into operation and continue until such time as any further advances are made by the Commonwealth Bank. Provision is made in the Wheat Subsidy Act (No. 17) for the payment of a subsidy to certain wheat-growers in respect of wheat sown in the year 1942 and in subsequent years. The Wheat Tax (War-time) Repeal Act (No. 18) repeals the Wheat Tax (War-time) Act, 1940, and the Wheat Tax (War-time) Assessment Act, 1940.

2. NEW SOUTH WALES

[It is hoped to publish the review in the next issue.]

3. QUEENSLAND

[*Contributed by* J. E. BROADBENT, ESQ., *Parliamentary Counsel and Draftsman.*]

THE Session of 1944 commenced on August 1, 1944, and stood adjourned on November 30, 1944. The adjourned Session began on February 27, 1945, and concluded on March 31, 1945. The legislation of the first portion is referred to by the regnal year 8 Geo. VI and included 17 Acts. The second portion contained 12 Acts and is known by the regnal year 9 Geo. VI.

Valuation of Land.—The object of No. 3 is to create a central valuing authority constituted by a Valuer-General and his staff to determine the unimproved value of land for the purpose of State Land Taxation and for rating purposes by Local Authorities under the Local Government Acts.

Until the first valuation made under this Act is proclaimed in any district, the existing valuations under the Local Government Acts and the Land Tax Acts will continue in force. However, owing to land under certain tenures (hitherto not valued on a freehold basis) being valued on a freehold basis under this measure, power is given to the Valuer-General to make a valuation of such land under these tenures on the commencement of the Act, so that the whole of the land in any district will be valued at the time of the issue of the necessary proclamation of the first valuation in such district. These tenures referred to are for the most part those held under pastoral lease, and kindred leases, grazing farm lease, gold-mining lease or mineral lease, where the previous law arbitrarily fixed the unimproved value for rating purposes at twenty times the annual rent payable thereunder. The only purposes for which any alterations can be made in existing valuations in the interim period between the coming into force of this Act and the proclaiming of the first valuation are: (*a*) Land Tax Valuations—power being preserved to the Commissioner of Land Tax under the Land Tax Acts; and (*b*) Local Government Valuations—on subdivision, on two or more parcels valued as one coming into separate ownership, and as a result of community services or public works.

The definitions follow, in the main, those set out in the Land Tax Acts, and the meaning of " Unimproved value of Land," ' Improved value " and " Value of improvements " closely follows that given to such terms in the Commonwealth and State Land Tax Acts.

Turning now to the administration of the measure—the Governor in Council shall appoint a person to be called the Valuer-General, who shall have, subject to the Minister, the general administration of this Act. His appointment shall be for a term not exceeding seven years, but he shall be eligible for reappointment. Where an appointee is not a member of the Public Service, he shall, during his period of office, be subject to the Public Service Acts. In like manner a Deputy Valuer-General will be appointed and District Valuers and Officers deemed necessary for the Act's administration.

The usual " secrecy " provisions are prescribed, and there is power given to the Valuer-General, with the approval of the Minister, to delegate some of his powers and duties to the Deputy or any District Valuer.

The State is divided up into " Valuation Districts." These occur in the Schedule and will be found to comprise certain local authority areas combined in the specified district as named. The Governor in Council may, however, alter or vary such districts, or abolish districts or constitute additional districts. This power may be necessary for administrative convenience.

Part IV of the measure deals with the Valuations. The Valuer-General is required to make in each district a valuation of the unimproved value of any lands granted by the Crown in fee simple and of any other lands held from the Crown which may from time to time be required to be valued under the Local Government Acts and the City of Brisbane Acts as if such lands were granted in fee simple.

It is laid down that in every district, the first valuation shall be made within the period of seven years from the commencement of this Act.

When the Valuer-General has made a first valuation in a district, the Governor in Council shall, by Proclamation, fix a date on and after which valuation shall, subject to objections and appeals, be the valuation of the lands in the district concerned.

When the date of coming into force of the valuation in the district is proclaimed, the existing valuations made under the Land Tax Acts and the Local Government Acts shall cease. This valuation stands for five years, as it is provided that a fresh valuation shall be made in each district every five years after the first valuation; but the fresh valuation shall be made before the expiration of the first, so that there will be no break of continuity.

The only alteration allowable in a valuation during the period of five years is for reasons of subdivision, the dividing of parcels into separate ownership and by reason of public works and community services.

But during the period the Valuer-General is empowered to value any land which may become taxable, or likewise adjusting land values in the event of land ceasing to be taxable or rateable. Lands where parcels adjoin shall be included in one valuation, except that such parcels shall be valued separately if buildings are erected thereon obviously adapted to separate occupation.

Parcels owned by the same person, but not of the same tenure, or let to different persons, shall be separately valued; and similarly land not adjoining or separated by a public road.

Usual machinery provisions deal with the furnishing of returns and information to the Valuer-General by State Departments connected with land matters and with land registration, and similar duties are cast on Local Authorities. Full access to land and buildings, and to records, is granted to the Valuer-General and his staff, while owners or occupiers are bound to answer questions and give him the necessary information to enable him to arrive at a correct valuation.

Valuation Rolls will be prepared and kept in respect of each valuation district, and shall be amended and adjusted where valuations are amended in accordance with the law as previously set out or where there is a change of ownership.

A notice of valuation is given to each owner, and the notice also indicates that the owner may object or appeal against the valuation. An owner dissatisfied with the valuations may lodge with the Valuer-General a notice of objection. These objections are considered by him and the decision thereon is conveyed to the objector. The Valuer-General hence acts as a "Clearing House" in deciding objections in the first instance.

However, if an owner is still dissatisfied, he may appeal to the Land Court and from thence to the Land Appeal Court. The Court may make such order as it thinks fit, and may confirm, reduce or increase the valuation.

Another alternative and cheaper method of appeal, however, is provided. Where, after consideration of objections, the Valuer-General has fixed the valuation of an owner's land at £1,000 or less, the dissatisfied owner may appeal to a Valuation Court constituted by a Stipendiary Magistrate or Acting Stipendiary Magistrate, and such Court shall be held in the Valuation District in which the land is situate. This Valuation Court is given jurisdiction to hear and determine the appeal, and its order is final and conclusive and without appeal to any other tribunal. Moreover, professional costs shall not be awarded by such Valuation Court. Costs, however, may be granted by the Land Court where the appeal is made to such Court.

The fact, however, that there are objections or appeals shall not in any way interfere with the levy and recovery of land tax or of Local Authority rates.

The valuation made under this Act shall be the unimproved value for the purposes of the Land Tax Acts, the rateable value for the purposes of the Local Government Acts, and the unimproved value for the purposes of the City of Brisbane Acts.

Copies of the Valuation Roll or of such portions thereof as may be required by the Commissioner of Land Tax shall be furnished by the Valuer-General to the Commissioner, and similarly a Local Authority component of a Valuation District shall be supplied with a portion of the Valuation Roll relating to the area of such Local Authority.

Power is also given to the Valuer-General to make valuations of real or personal property when required by a Department of State or a State instrumentality. The Valuer-General may make any valuation of real property when required by any other person. Fees shall be prescribed for this work, and the Valuer-General shall issue a certificate of valuation of any valuation so made by him.

Copies of entries in a Valuation Roll shall be supplied to any person on payment of the prescribed fee. It is also provided that any trustee, solicitor, or agent may, for the purposes of investment, obtain and use the certificate of valuation in a Valuation Roll, or a certificate given in respect of the aforesaid provisions, and unless directed by the conditions of his trust, retainer or employment, to ascertain in any other specified manner the value of land offered as security, he shall not be chargeable with negligence or other default for failing to obtain other evidence of such value.

The Valuer-General may require a person to attend and give evidence before him and to produce any necessary books and documents. Notice of change of ownership of land must be given to the Valuer-General.

Power is also given for the Valuer-General to cause general, further, or special returns to be made concerning interest in land.

Usual machinery provisions deal with services of notices, the address for service and for substituted service. Penalty provisions, similar to those in the Land Tax Act, are provided for refusing information, failure to furnish returns, the making or furnishing of false returns and statements, failure to notify change of address, failure to attend and produce documents, or failure to comply with an order of court on conviction; such penalties are recoverable in a summary way under the Justices Acts.

Certain evidentiary provisions are inserted as to the valuation roll, or certificates, notices or documents signed by the Valuer-General, and judicial notice shall be taken of the signature of the Valuer-General.

Power is given to the Governor in Council to make Regulations to give effect to the object and purposes of this Act. All Orders-in-Council and Regulations must be published in the *Gazette* and tabled in Parliament. Parliament may disallow any such Order-in-Council or Regulation, without prejudice, however, to the validity of anything done in the meantime or to the power of making any further Order-in-Council or Regulation.

The Schedules set out the consequential amendments in the Local Government Acts, the City of Brisbane Acts and the Land Tax Acts. In the Schedule dealing with the Local Government Acts is set forth an amendment showing the classes of tenures of lands, the unimproved value of which shall be valued as if the lands were granted by the Crown in fee simple. Schedule IV sets out the Valuation Districts constituted for the purposes of this Act.

Rural Advances.—No. 4 amends the Co-ordination of Rural Advances and Agricultural Bank Acts, 1938 to 1943, and several other measures of a kindred nature in certain financial particulars. Each Act is dealt with in a separate part.

(1.) In regard to the Co-ordination of Rural Advances and Agricultural Bank Acts the Secretary for Public Lands as the lending authority under the Discharged Soldiers' Settlement Acts and the Marsupial Proof Fencing Acts had power to forfeit mortgaged leasehold land upon default by the mortgagor. While the power to make loans under these Acts has been transferred to the Agricultural Bank, the power to forfeiture shall still remain, but shall be only exercised by the Secretary for Public Lands, on the recommendation of the Bank. Certain rabbit and marsupial proof fences, which are boundary fences, often confer benefits upon an adjoining owner. S. 171 of the Land Acts permits the owner of the fence to apply to the Land Court to assess such benefits. When the fence is subject to mortgage to the Minister for Lands, he can apply to the Court to have the moneys payable by the adjoining owner benefited paid to him in reduction of the mortgage. As this class of mortgage has now been transferred to the Agricultural Bank, provision is made to enable the Bank to exercise this right of the Minister for Lands.

The Agricultural Bank Act provides for advances being made to commodity boards embraced under the Primary Producers' Organization and Marketing Acts. Certain other Boards of similar import, but not embraced under such Acts, are now brought within the Agricultural Bank Act. These are the Committee of Direction constituted under the Fruit Marketing Organization Acts, the State Wheat Board constituted under the Wheat Pool Acts, and the Brisbane Milk Board or other Milk Board constituted under the Milk Supply Acts.

The increased mechanisation of farming operations has given rise to the "farm contractor" who provides himself with mechanical plant and performs farm work by contract, such as preparing lands, cultivating and harvesting. The system is advantageous to the small farmer who would find the ownership of mechanical plant an undue financial or probably uneconomical burden.

This measure provides for the making of advances to farm contractors, including tank sinkers, for the purchase of their plant, with a maximum advance of £2,000, and not exceeding two-thirds of the value of the plant.

The measure also gives borrowers from the Bank further concessions in regard to late payment of instalments. At present default in the payment of an instalment attracts a penalty which is based not only on the amount of unpaid interest, but also on the amount of unpaid principal.

The Act abolishes penalties and provides that in lieu of penalties any amount of unpaid interest shall be capitalized. Thus, in lieu of an arbitrary penalty, the amount in default can only be penalized while the default continues and then only by the continuation of interest thereon during the default.

Provision is also made for the calendar monthly adjustment of interest, such adjustment to be made on the amount owing at the expiration of the fifteenth of the month.

The Act presently allows a borrower who repays amounts in excess of his instalment the advantage of " interest only " to the date of repayment, and also provides that interest commences from the date when the advance is made. These rights are preserved to the borrower.

(2.) In regard to amendments of the Wire and Wire-Netting Advances Act of 1927, this measure provides for the reduction to four per cent. per annum, as from July 1, 1944, of the interest rate payable on all existing mortgages made under the above Act. The previous rate of interest was five per cent. The measure also provides for the capitalization of arrears of interest, for the abolition of penalties for default in payment of instalments, and for the monthly adjustment of interest as at the fifteenth of the month.

(3.) In regard to amendments of the Wire and Wire-Netting Advances Act of 1933, similar provisions were made in respect of advances under this Act, as in the case of those under the Act of 1927. In respect, however, of any additional amounts added to the mortgage, the interest rate is reduced from five to four per cent. as from July 1, 1944.

(4.) In regard to amendments of the Marsupial Proof Fencing Acts, 1898 to 1913, in default of annual payments the law provided for both penalties and forfeiture. This measure eliminates the penalty provisions. Moreover it also provides for the capitalization of arrears of interest, and for the monthly adjustment thereof as at the fifteenth of each month. The interest rate payable on existing charges has been reduced from five to four per cent. per annum as from July 1, 1944.

(5.) In regard to amendments of the Financial Arrangements and Development Aid Act of 1942 and to amendments under the Discharged Soldier Settlement Acts, 1917 to 1938, this measure provides for the capitalization of arrears of interest, for the monthly adjustment of interest as at the fifteenth of the month, and for the abolition of penalties for default in payment of instalments under these Acts.

(6.) Mortgages and other securities given to secure loans under the several Acts amended by this measure are to be read and construed as being modified to conform to the various amendments made by this Act.

Elections.—No. 6 amends the principal Act (the Elections Acts, 1915 to 1943) in various directions, the more important of which may be referred to seriatim.

S. 7 of the principal Act requires returning officers, presiding officers and poll clerks to make a declaration of secrecy before a Justice of the Peace on appointment. It happens that a Justice of the Peace is not always available to a presiding officer or poll clerk appointed to remote polling places. The amending provision will allow such declaration to be made before a Justice of the Peace, and where the latter is not available, before an elector. The presiding officer and poll clerk on making such declaration shall forthwith transmit same to the returning officer of the district concerned. The returning officer shall, from time to time, transmit all such declarations to the Under Secretary, Department of Justice, and accompany same with a statement of all presiding officers and poll clerks from whom he has not received declarations up to the date of transmission.

S. 9 of the principal Act prohibits a naturalized subject from being enrolled unless he has lived within the Commonwealth for six months and has lived within Queensland for three months after naturalization. Under the Commonwealth Electoral law the residential qualification is not limited to the period after naturalization, and the section is amended to conform to the Commonwealth law.

S. 10A (voting of members of the Forces) and s. 10B (voting of merchant seamen) are amended consequent on the amendment of s. 9 above referred to.

S. 11 of the principal Act disqualifies any elector who is imprisoned. Hence, no matter how brief the sentence, the elector must be struck off the roll and upon being released from prison apply for re-enrolment. The section is amended to conform to the Commonwealth law and hence disqualifies a person where the sentence is for one year or longer. A consequential amendment to s. 35, however, disqualifies any person actually in prison on election day from voting.

S. 14 of the principal Act requires annual, quarterly and supplemental rolls. The quarterly rolls serve no useful purpose, and the section is amended to do away with the necessity of preparing and printing quarterly rolls and to provide for a supplementary roll immediately prior to an election, with power to the Minister to direct the printing of supplemental rolls at any time.

S. 26 of the principal Act prescribes a penalty of not more than two pounds for a breach of the compulsory enrolment provisions. As the section stands, the penalty can only be recovered by court proceedings. The section is amended to allow the Principal Electoral Officer, with the consent of the offender, to impose the penalty.

S. 35B authorizes members of the fighting forces and merchant seamen to vote on polling day at any polling place. The section is amended to allow them to vote at any time after the issue of the writ and before polling day. They will be enabled to do this by attending before a returning officer, an electoral registrar, or a presiding officer specially appointed by a returning officer to take their votes. The object of this amendment is to avoid the congestion experienced at polling places where large numbers of the Forces voted at the last General Election.

Under the principal Act a returning officer could not commence the election until he had received the writ. In remote electoral districts there may be delay between the date of the issue of the writ and the date of its receipt by the returning officers. Ss. 36 and 38 of the principal Act are therefore amended to provide that where a writ cannot be delivered to a returning officer on the date of its issue, he is to be notified by telegram, or otherwise, of the issue of the writ and of the contents, and that upon such notification he is authorized to put the election in train.

The principal Act does not require a candidate to consent to his nomination. S. 41 is, therefore, amended to require the candidate's consent to his nomination.

S. 69 requires the Presiding Officer to complete declarations by absent voters at outside polling places. This causes delays and congestion. The section is amended to allow the voter to complete and sign the declaration, but precludes the Presiding Officer from issuing a ballot paper until the voter declares that his declaration comprising his answers to the questions therein are true, and acknowledges his signature.

A new provision is inserted to enable an elector, who, by reason of his religious beliefs or convictions, will be prevented from voting on polling day, to vote before a returning officer at any time after the issue of a writ and before polling day. He must present a certificate from a Minister of his particular religious denomination showing that he is an adherent thereof, and also submit a declaration signed before a Justice of the Peace.

An amendment is made extending the facilities of voting by post to electors who declare that they will on polling day be not within five miles of a polling place. This is to facilitate voting in remote localities. An application for a postal vote can be made by a further amendment to any returning officer or Electoral Registrar and adds Justices of the Peace to the list of qualified witnesses of such applications.

Further amendments respecting the dealing with, safe custody and counting of postal votes are also included in the measure.

S. 71B, which deals with postal voting by Members of the Forces, Merchant Seamen and Defence Workers, is amended consequentially to add Justices of the Peace to the list of qualified witnesses.

A further provision enacts that any elector who, by reason of the rules of any religious organization or order (i.e., enclosed religious order), of which he is a member, will be prevented from voting either before or on polling day, may, after the issue of the writ and before six o'clock on the afternoon of the day preceding polling day, apply to the returning officer for postal vote certificate. The application in this case must also be accompanied by a certificate from the minister of the religious denomination of which the elector is an adherent, and a solemn declaration subscribed by the elector before a Justice of the Peace.

The principal Act contains no provision to cover accidental loss or destruction of the writ.

The use of air-mails for the delivery and return of writs has somewhat increased this risk.

S. 93 is hence amended to provide for replacing a lost or destroyed writ with a certified copy thereof.

Constitution.—No. 8 increases the salaries of Members of the Legislative Assembly and of Ministers of the Crown.

Prior to 1929 the salary of a Member was £750 per annum and of a Minister £1,250. The Constitution Amendment Act of 1929 reduced salaries to £500 per annum in the case of a Member and £1,000 in the case of a Minister of the Crown. The Constitution Amendment Act of 1936 restored a portion of such reduction and fixed the salaries of Members at £650 per annum and of Ministers at £1,150 per annum. From 1936 there has been no change in such salaries.

This Act makes the following changes:

Salaries of Members are fixed at £850 per annum; the salary of the Leader of the Opposition is fixed at £1,250 per annum. Previously he was paid an additional allowance of £200 over and above a Member's salary; the Members, recognized as the Government Whip and the Opposition Whip, will respectively receive a salary of £950 per annum. This is a new provision; the Chairman of Committees will receive £1,100 per annum. Previously he was paid an additional allowance of £200 over and above a Member's salary; the Speaker shall receive £1,500 per annum. The Speaker is paid at the same rate as Ministers of the Crown; and the salaries of the Ministers of the Crown are fixed at £1,500 per annum. But the officer designated as Premier and Chief Secretary shall receive £2,000 per annum. Previously such officer received the same salary as other Ministers, but usually received £300 additional as Vice-President of the Executive Council, being "one of such officers designated by the Governor in that behalf." The amending law still provides that one of such officers designated by the Governor in that behalf may receive a further salary of £300 per annum. But the receipt of this additional payment is now made optional and not mandatory.

Forces Relief.—The Income Tax and Succession and Probate Duties (Sailors, Soldiers and Members of the Air Force) Act of 1940 (amended in 1942) provided that exemption from succession and probate duties shall be allowed on that part of the estate of a sailor, soldier, or member of the Air Force dying on active service, which passes to his widow, children, grand-children, parents, brothers, sisters, nephews and nieces.

Such exemption is made up to £5,000; or where the value of the part is less than £5,000, the exemption is for the whole amount.

By No. 10 these provisions were deemed to have always extended to the estate of a Merchant Seaman dying from causes arising out of operations of the war. A Merchant Seaman is defined as including every person employed or engaged in any capacity in seagoing service on board any ship.

Motor Vehicles Insurance.—The principal Act of 1936 was enacted to provide a fund by way of a compulsory insurance policy from which injured persons having a legal claim for damages in respect of injuries inflicted by a motor vehicle can recover. The measure, however, limited the compulsory insurance cover to £750 for any one person, and made other restrictions. No. 11 amends the principal Act by:—

1. Making the insurance cover of an unlimited amount; and
2. Removing certain restrictions in that it will extend the compulsory third party insurance cover to members of the family of the owner of the vehicle, to his servants and to passengers in the vehicle (previously these were excepted).

The measure also provides for the bringing of actions for damages against the Insurer concerned (i.e., whether the State Insurance Commissioner or an Insurance Company) directly, in those cases where the owner of the motor vehicle cannot be served with the necessary court process.

The Insurance Commissioner, or the Company, may in like manner recover from the owner such part of the judgment or compromise and costs as would not have been recovered from or incurred or paid by the Insurer, but for the provisions of the section, and such amount may be recovered either in a separate action or by third party procedure in the action against the Insurer.

The section has retrospective operation in respect of bodily injury to any person caused before the date of the passing of this Amending Act by a motor vehicle insured under the Act, the owner of which has not been and cannot be served with process on account of absence with His Majesty's Forces.

But the section shall not apply retrospectively so as to make the Insurance Commissioner or licensed Insurer liable for more than £750 in respect of injury to any one person arising out of accident prior to the passing of this Amending Act.

A further amendment to the principal Act provides that no person, directly or indirectly, for personal gain, shall solicit instructions or authority to act on behalf of any other person in respect of the making of claims or action for damages for injury caused by a motor vehicle or in respect of the negotiation, compromise or settlement of such claim, or commence such action or negotiate for such compromise. These provisions, however, do not apply to a barrister or solicitor properly acting in the course of his profession.

Any agreement to pay any person who contravenes these provisions any money for work done or services rendered is void, and any money so paid is recoverable by action in any court of competent jurisdiction.

This provision seeks to overcome an objectionable practice called "Ambulance Chasing."

Interstate Destitute Persons Relief.—No. 12 amends the Interstate Destitute Persons Relief Acts, 1914 to 1932, in certain particulars.

The original Act passed in 1914 is in the nature of a reciprocal measure, similar laws having been passed by the other States, the object of which is to ensure that a person shall not escape payment of his lawful responsibilities for the maintenance of his wife and children by departing from this State and going into another, and vice versa.

The original Act, however, did not include orders from a Court of Record. These Courts of Record are usually held to be the Supreme or higher Courts of the country, and not the Courts of Summary Jurisdiction. However, in one or two States, such summary courts are styled Courts of Records, and hence if the Queensland Act was not amended to delete the exception as to Courts of Records, the reciprocal scheme of the measure would fall to the ground.

The main object thereof of the Act, following South Australian legislation, is therefore to delete from the provisions of the principal Act references in respect of exceptions of Courts of Record, and these amendments are made retrospective accordingly.

Opportunity also has been taken specifically to provide means of variation of orders, and certain machinery provisions also are included so as to facilitate the ascertainment of earnings.

Following South Australian law, also, alternative modes of enforcement of orders are inserted; for instance, instead of applying the Justices Acts, the State Children Acts or the Deserted Wives and Children Acts can be invoked. But nothing shall prejudice the operation of the Maintenance and Alimony Relief Act of 1935, which was passed to allow a person to show cause before a court and for the court to exempt him from punishment, by way of imprisonment, for failure to pay maintenance on sufficient grounds.

Unemployed Workers' Insurance.—The Unemployment Insurance Acts provide for an Unemployment Insurance Fund comprised of contributions from the worker, employer and the Crown, and is utilized to provide sustenance, on a prescribed scale, to any worker who may find himself out of employment.

However, the Commonwealth passed the Unemployment and Sickness Benefits Act of 1943, on promulgation to have Australian-wide operation and hence render the Queensland law inoperative.

No. 14 is to take effect when the Commonwealth Act is proclaimed in operation.

On such proclamation, all contributions to the fund from worker, employer and Crown shall cease, as the Act suspends the provisions relating thereto.

However, for one year from the commencement of the Act, sustenance allowance may still be payable to workers on becoming unemployed, on the same terms as hitherto.

It is considered that the Government has a moral obligation to workers who have contributed to the fund during 1944 in granting this concession.

Provision is also made whereby the moneys standing to the credit of the Unemployment Insurance Fund may be applied by the Governor in Council as he shall think fit and proper. For instance, a portion thereof may be paid into the Post War Reconstruction and Development Trust Fund created by the Act of 1943. But all such applications and/or payments must have Parliament's final approval.

Stock Routes and Rural Lands Protection.—The purport of No. 16 is to an extent indicated by its title, being " An Act To Consolidate, Amend And Provide For The Co-ordinated Administration Of Certain Laws Relating To Stock Routes And Stock Reserves And The Destruction Of Animal And Vegetable Pests, And For Incidental And Consequential Purposes." The measure will repeal existing provisions. The Act, however, will not limit the operation within the Rabbit Districts of Leichhardt, Darling Downs and Moreton of the Rabbit Acts, 1913 to 1943, and the Rabbit Board for each such district shall continue to exercise its functions.

The Act will be administered by the Secretary for Public Lands.

A Superintendent of Stock Routes and Pest Destruction shall be appointed by the Governor in Council and such other necessary Inspectors and offices for the administration of the measure. Power is given to the Governor in Council to declare any road or route to be a Stock Route under the Act. The Minister has certain definite powers. He may require Local Authorities to account to him for all the assessments and charges on stock or other fees payable and for their due collection and payment into the Stock Routes and Pest Destruction Fund. He may also require a Local Authority to satisfy him that it has expended in a proper and economical manner moneys made available to it from the Funds. He may employ, or authorize the Superintendent to employ, any necessary employees. He may also authorize the payment from the Fund necessary expenditure on the part of the Superintendent or of a Local Authority, and may contract or authorize the Superintendent to make contracts, for the purposes of this Act.

The Governor in Council, on the recommendation of the Co-ordinating Board (which will be referred to later) may authorize and direct funds to be raised in prescribed Local Authority Areas in any year by means of an assessment on stock and/or by a rate upon the rateable value of land in the area. The assessment shall not exceed six shillings in every 30 head of cattle or 100 sheep or proportionate number of cattle and sheep, and the rate shall not exceed one penny in the pound of such rateable value.

The Governor in Council may on a like recommendation authorize the raising of a " travelling stock " rate upon stock travelled upon any stock route prescribed in the applicable Order-in-Council.

Wide power is also given to make such by-laws as may be necessary for the proper exercise and performance by a Local Authority of its functions and responsibilities under the measure, and in particular by-laws may be made in respect of water facilities and stock route improvements.

The Superintendent, subject to the Minister, is charged with the supervision of the administration of the Act and in particular with the co-ordinated carrying out by Local Authorities of their respective functions and duties. Where a Local Authority fails to carry out its duties, the Superintendent shall, under certain conditions, be entrusted with the powers, duties and functions of the defaulting Local Authority.

To give effect to the principle of co-ordination in administration, a Board called the Co-ordinating Board is constituted. The members of this Board shall be the Superintendent (who is Chairman), a Member of a Local Authority nominated by the Local Authorities Association of Queensland, two owners or occupiers of holdings, one of whom shall be nominated by the United Graziers' Association of Queensland, and the other by the Selectors' Association of Queensland, an officer of the Department of Local Government, an owner or occupier nominated by the Council of Agriculture and Stock, an Accountant nominated by the Auditor General, and an Engineer nominated by the Co-ordinator General of Public Works. The Board, it will therefore be seen, is thoroughly representative of the various interests. The functions of the Board are recommendatory in general. It will recommend the formation of a planned and co-ordinated scheme, including plans for carrying out works. It will recommend the making of assessments, rates, the payment of bonuses for the destruction of dingoes and other vermin and the construction of vermin-proof fences, including ring fences. The Board may also explore the possibilities of the economic use of the pelts of dingoes, foxes and other vermin and will also recommend the making of by-laws.

In the making of planned schemes, the Board shall consider and have regard to the financial aspects thereof and any plan submitted to it by a Local Authority.

The plan shall be sent by the Board to the Minister, and if the latter approves it shall be submitted to the Governor in Council. The plan may be returned for further consideration or modification.

If the Governor in Council approves of the plan, the Minister may make such orders and issue such notifications and directions to Local Authorities and to owners and occupiers of holdings as he shall deem necessary in the circumstances.

The duties and responsibilities of Local Authorities are important. Every Local Authority shall have the function of controlling, improving and maintaining all stock routes or parts of stock route and reserves for travelling stock within its area to the extent necessary to ensure that the same are at all times in a reasonably fit and proper condition for use by travelling stock, and for such purpose shall be charged with the duties and have the powers as prescribed under this law. Special duties as to stock routes, or parts thereof or reserves for travelling stock are also assigned to Local Authorities. These embrace the conservation of natural fodder thereon; the determination as to fencing; and the provision for water facilities when same are approved by the Governor in Council in the programme of works.

The Local Authority, also, subject to the Minister's approval, has power to enforce the destruction by the owner or occupier of a holding of noxious plants on the stock route or reserve fenced in with his holding.

The Local Authority is also entrusted with the duty of destroying noxious plants on stock routes or reserves not fenced in with any holding, and where approved by the Governor in Council shall carry out any necessary ring-barking or clearing on stock routes or reserves in its area. The Local Authority also controls and regulates the movements of travelling stock, but subject to any law or by-law affecting same. The Local Authority also levies and collects assessments, rates and fees, pays same into the Treasury and administers within its area all by-laws made under the Act.

The Local Authority, with the approval of the Minister, or when so directed by him, shall enter into agreements with owners of holdings adjoining stock routes and reserves in regard to water facilities for travelling stock and the maintenance thereof. On the expiration of any such agreement, a further agreement may be made. If, however, the Local Authority and the owner or occupier are unable to agree on the terms of the further agreement or on the disposition of assets on the expiration of an agreement, the matter shall be referred to the Land Court for determination.

The Minister shall not direct a Local Authority to enter into an agreement with any owner or occupier unless the Minister is satisfied that such owner or occupier is willing to enter into same and subject to terms equitable as between him and the Local Authority.

Provisions deal with the seizure of straying stock on a stock route or reserve following the principles of the existing law. It is also provided that stock routes enclosed with holdings must not be overstocked.

The duties and responsibilities of a Local Authority as to the destruction of dingoes and other vermin and the payment of bonuses therefor, as well as the control and destruction of noxious plants within its area, are prescribed in the measure.

Certain duties also are imposed upon an owner or occupier as to the destruction of dingoes and other vermin and also of noxious plants.

On default of the owner or occupier to comply with the law, the Local Authority can take the necessary measures and recover all costs and expenses incurred by it in such work from the defaulting owner or occupier. Provision is also made for a simultaneous period for the destruction of dingoes.

A person shall not have a live dingo or fox in his control or possession without the necessary permit.

Provision is also made for the control and regulation of occupational scalpers and trappers. The law is similar in principle to the existing law, as to the issue of permits, holdings covered by permits, entry on holdings by scalpers, and the suspension or cancellation of permits under certain circumstances.

Important provisions deal with the erection of vermin-proof fences. The

Minister may, on the recommendation of the Co-ordinating Board, order that a fence proof against the passage of any one or more of the following classes of vermin, namely: (*i*) Dingoes; or (*ii*) Rabbits; or (*iii*) Any marsupial defined or declared to be vermin, shall be erected on the route specified in the order concerned. When such order is made and notice given to the owner or occupier, the latter is required to erect his portion of the fence. Every owner is entitled to payment from the Fund of so much of the cost of the erecting and maintaining such fence as is paid by him in excess of the amount which he is liable to contribute to such cost. The measure lays down the principle of contribution, and there is an appeal to the Land Court by owners dissatisfied with the determination of the Minister as to the apportionment of contribution.

The Minister is empowered also to affix to any fence wire netting for the purpose of making the fence proof against the passage of any one or more of the following classes of vermin, namely, dingoes, rabbits or marsupials.

Under certain circumstances, and where recommended by the Co-ordinating Board, a Minister may erect a fence, the cost of the whole or part thereof being defrayed out of the Fund. A Local Authority has certain duties of maintaining vermin proof fences erected by order of the Minister.

Certain powers also are entrusted to a Local Authority to construct or cause the construction of a stock proof fence or rabbit proof and marsupial proof fence for the proper protection or improvement of a reserve for the use of travelling stock or of a stock route.

It is an offence to break or injure a fence or to leave open a gate in a fence.

It is also provided that where in the opinion of the Co-ordinating Board it is desirable for the purpose of facilitating the destruction within any locality and thereafter keeping the locality free from any one or more of the following classes of vermin, namely, (*i*) Dingoes; or (*ii*) Rabbits; or (*iii*) Any marsupial defined or declared to be vermin, that such a locality should be enclosed in a ring fence and that the owners concerned should take concerted action therein, the Co-ordinating Board shall prepare the necessary proposals. These proposals may be approved by the Minister or referred back to the Board for further consideration. An owner or occupier concerned shall receive notice of the proposals. If same are acceptable, the Governor in Council may constitute a group of owners for the erection of the proposed ring fence. A contribution may be made from the Fund for this purpose. Objections are considered and inspections made on such objections.

When the matter is finalized the necessary Order-in-Council issues which is binding on the owners and occupiers and their respective successors in title.

A fund is kept at the Treasury called "The Stock Routes and Pests Destruction Fund." Into this Fund are paid moneys in hand by virtue of the repealed Acts, assessments, penalties, loans, with a permanent appropriation of ten thousand pounds per annum. Out of the Fund are paid moneys for defraying the necessary expenses of administration, costs of erection and maintenance of fences for destruction of vermin and noxious plants, repayments to the Treasurer for loans, and for works, water facilities, clearing and so forth.

Provisions deal with assessments on stock. These are made when so directed by the Governor in Council, and the assessments levied and collected by the Local Authority as hereinbefore referred to. The basis of assessment, when a partial assessment may be made, the payment of assessment and enforcement thereof, are prescribed in the measure. Similarly rates may be levied on rateable land by a Local Authority when authorized by the Governor in Council, and when both assessments and rates are approved by the Governor in Council the Local Authority shall determine whether the owner shall pay by way of assessment on stock or by rate on land.

The usual machinery provisions are provided in the measure, and penalties are recoverable in a summary way under the Justices Acts.

The powers of entry on land by the Superintendent Inspector or person authorized by a Local Authority are also set forth.

The Governor in Council may on the recommendation of the Co-ordinating Board by Order-in-Council declare that every dog (not being a dingo) kept in or introduced in the area shall be registered. The registration fee may be determined by the Co-ordinating Board. Registration discs shall be supplied.

Special provisions also deal with the destruction of dingoes, where difficulties exist on account of the War in respect of labour and materials. For three years from January 1, 1945, the Minister shall have power to arrange with any Local Authority in whose area the ravages of dingoes are causing undue concern to owners and occupiers to take special measures of an urgent and emergent nature to destroy dingoes.

The Governor in Council has power to make regulations to give effect to the provisions of the Act; these regulations may be made on the passing of the measure.

All Orders-in-Council and Regulations shall be published in the *Gazette*, and have the same effect as if they were enacted in this Act. They shall also be laid before Parliament. Parliament may disallow same, but without prejudice to the validity of anything done in the meantime.

A report on the operations of the Act shall each year be made by the Superintendent to the Minister for submission to Parliament.

Commonwealth States Financial Agreement.—The original Financial Agreement made on December 12, 1927, was the outcome of various financial conferences between the Commonwealth and the States, and measures for its adoption were ratified both by the Commonwealth and all the States. Shortly, the agreement consisted of four parts:—

Part 1—providing for the constitution of the Australian Loan Council, and the procedure to be followed in relation to borrowings by the Commonwealth and States;

Part 2—consisting of certain temporary provisions operating from July 1, 1927, to June 30, 1929;

Part 3—which came into operation as from July 1, 1929, which provided for: (*i*) the taking over by the Commonwealth of the liability existing in respect of State debts as at June 30, 1927; (*ii*) the payment of annual grants to the States towards interest on the public debts of the States; (*iii*) the payment of Sinking Fund contributions on debts of the States; and (*iv*) the discharge of the States from any liability in respect of transferred properties; and

Part 4—dealing with certain incidental matters.

There have been minor alterations of the Agreement to date, chiefly concerning the matter of soldier settlement finance.

Act No. 17 ratifies an important agreement, dated November 15, 1944, made between the Commonwealth and the States amending the original agreement in certain directions, which may be dealt with seriatim. The Commonwealth and all the States have passed the necessary ratifying legislation, and the Queensland Act has been proclaimed in force as from January 1, 1945. Amendments of the Financial Agreement:—

1. Following usual practice, this Agreement definitely makes the Commonwealth representative at the Australian Loan Council to be Chairman thereof;
2. An amendment is made regarding allocation of Loan moneys when the Loan Council fails to arrive at a unanimous decision.

At present the Commonwealth is entitled to one-fifth of the total or such lesser amount as it desires; and the balance is to be distributed between the State Governments on the basis of the average annual " net loan expenditure " during the preceding five years. Up to the present the Loan Council has always arrived at a unanimous decision. However, in the event of what is called the application of the formula of allocation, doubts have been expressed as to what moneys are covered by the "net loan expenditure." It has now been decided to lay down in the Agreement that the term "net loan expenditure" shall not include expenditure for the funding of revenue deficits or to meet revenue deficits.

Further, in the immediate post-war period, relatively large sums will be required for financing projects for post-war reconstruction, such as housing and soldier settlement. Provision hence has now been made that will enable the Loan Council, by unanimous decision, to declare that any specified amount or class of expenditure shall not be included in "net loan expenditure" for the purpose of the allocation on the basis of the "formula" should the Loan Council fail to reach a unanimous agreement.

3. An important amendment deals with Sinking Funds. With certain exceptions the Sinking Fund contributions are:—

7s. 6d. per cent. (2s. 6d. per cent. payable by the Commonwealth and 5s. per cent. payable by the States) on all debts of the State existing as at July 1, 1927; and

10s. per cent. (5s. per cent. payable by the Commonwealth and 5s. per cent. payable by the States) on all debts of the State in respect of loans raised after July 1, 1927.

The principal exception to sinking fund contributions of 10s. per cent. in respect of loans raised after July 1, 1927, related to loans to raise financial revenue deficits.

In the case of such loans the Commonwealth is not required to make a contribution to the Sinking Fund, but the State is required for a period sufficient to provide for the redemption of that loan, to pay from revenue in each year during such period a Sinking Fund contribution at the rate of not less than 4 per cent. per annum of the amount of that loan, and for the purposes of these provisions the Sinking Fund contributions of the State shall be deemed to accumulate at the rate of 4½ per cent. per annum compounded.

The financial depression from 1929-1930 onward was responsible for abnormal State deficits and the Loan Council arranged to finance these deficits up to and inclusive of the year 1934–35 by means of borrowings from the Commonwealth Bank by the issue of Treasury Bills. The total amount so borrowed for all the States was £53,000,000.

Arrangements were made for the same contributions to the Sinking Fund as in the case of loans raised for the purpose other than revenue deficits, i.e., 10s. per annum (5s. by the Commonwealth and 5s. by the State), and such contributions were paid to the National Debt Sinking Fund up to June 30, 1934.

Doubt, however, was thrown on this action by opinions of Counsel, who were of opinion that the proper contributions payable in respect of these borrowings were contributions by the States concerned at a rate of not less than 4 per cent. per annum and that no contribution was due by the Commonwealth. In other words, that the loans in question should be liquidated by State Sinking Fund contributions in approximately 17 years instead of in 53 years as would be the case if the payments were confined to the Sinking Fund charge of 10s. per cent. per annum.

It is obvious, of course, that the result would have been to cause further deficits on the part of the States to meet these deficit payments.

The whole matter was seriously considered by the Loan Council and as a result a recommendation was made to the Commonwealth and State Governments that action be taken to amend the Financial Agreement to validate the Sinking Fund contributions that have already been made up to June 30, 1944, and to establish as from July, 1944, a Sinking Fund contribution at the rate of 1 per cent. per annum.

The States have undertaken to redeem £7,000,000 of the bills from their cash resources. Of this amount £1,000,000 is being found by Queensland. The National Debt Commission is to find £3,000,000 during 1944-45 for the redemption of these bills, this being approximately the total amount of Sinking Fund contributions paid to the Commission to date in respect of these bills.

The new Sinking Fund contributions of 1 per cent. per annum, which are payable in the proportions of 15s. per cent. by the States concerned and 5s. per cent. by the Commonwealth, are estimated to liquidate the remainder of the Treasury Bill debt, namely, £43,000,000, in a period of 39 years from July 1, 1944. This Act ratifies the new arrangements.

4. Another amendment provides that the Sinking Fund contributions prescribed shall be calculated on the basis of the mint par of exchange prevailing on July 1, 1927, i.e., the date from which the original Financial Agreement took effect.

5. Provision is also made for voluntary contributions by a State to the Sinking Fund.

6. Provision is also made for the use of Sinking Funds to redeem unconverted stock in cases where loans are converted at a discount. For many years it has been the practice in cases where loans are converted at a discount for the National Debt Commission to be asked to apply Sinking Fund moneys to the redemption of unconverted stock to an extent equivalent to the total amount of the discount on the converted loan.

In 1937 the Commission objected to this procedure, but suggested to the Loan Council that it would be prepared to continue it provided the Government concerned in any such case agreed to reimburse the Sinking Fund from revenue by equal annual instalments over the period of the new loan.

The Loan Council agreed to this procedure, and the measure validates it as from July 1, 1937.

7. Another small amendment deals with loan raisings and provides that the loan programmes to be submitted by the various Governments shall be the amounts to be raised *during* each year and not loans raised *for* each financial year.

8. Part 2, containing temporary provisions as before set forth has been eliminated from the agreement.

The measure sets out in the Schedule the Financial Agreement as amended, and the same has been more conveniently renumbered and paragraphed.

Trade Descriptions (Textile Products)..In the general interests of trade, especially in regard to our wool industry, the Government undertook to pass State legislation to assist in a Commonwealth-State scheme to protect the wool industry.

Act No. 1 is read with the Health Acts, and all the machinery provisions of that Act are applied. It is also read with the Sale of Goods Act which enacts certain warranties in such contracts. In addition to certain definitions in this Act, the definitions of the Health Act are applied in its construction.

It is provided that no person shall sell any goods to which the measure applies unless there is applied to the goods a trade description clearly visible showing certain prescribed particulars of the proportion by weight of the respective fibres of which the material concerned is composed.

Moreover, no person shall apply a false trade description to such goods; that is, a trade description tag or label which is false or likely to mislead in regard to the goods concerned.

The section applies to woven, knitted, felted or other materials manufactured from fibre, wearing apparel, blankets, rugs, tops and yarns; but does not apply to those textile products which may be exempted from the regulations.

It is provided that in every trade description separate particulars must be given of "virgin wool," "repossessed" or "re-used wool," fibres other than wool, and certain non-fibrous leading or adulterating material. These terms are defined.

Where, however, any goods contain at least 95 per cent. by weight of virgin wool, such goods can be described as "woollen goods," or "all wool," or "pure wool"; but no trade description shall contain such words as "artificial wool," "imitation wool," "substitute wool," or "synthetic wool," or other such expressions.

The Act gives power to make the necessary regulations and applies all the powers in the Health Act exercisable by the Director-General of Health, inspectors and the police, in administering this measure. Penalties are provided for breaches, and in case of second or subsequent offences there may be forfeiture of the material concerned in addition. Certain saving provisions are enacted; for example, an employee is not liable if he act bona fide in obedience to his employer's instructions and has given the complainant any information demanded. The scheme is for all States to pass measures of a similar nature. Hence it would not be desirable to proclaim the Queensland Act in force until similar action has been taken by the other States.

Workers' Compensation.—Act No. 2 makes various amendments to the principal Act, the more important of which may be considered seriatim.

1. The Act widens the scope of the principal Act, especially in relation to compensation for industrial diseases.

Under the previous law, compensation was payable to the dependents of a worker who died, or, if incapacitated, to the worker himself, if the death or suffering was due to a disease mentioned in a table and contracted in the course of a specific employment and also mentioned in the table. For example, if a man suffers from anthrax, to get compensation he must have been employed in wool-sorting and handling and kindred occupations.

Under the new provisions, all distinctions of "accident" and industrial disease and the table are repealed, and a worker is now entitled to compensation whether for a personal injury arising out of or in the course of his employment, or for a disease which is embraced in the term "injury" contracted by the worker in the course of his employment whether at or away from the place of employment and to which the employment was a contribution factor. Hence diseases are not put into a specific schedule; and if a worker contracts a disease associated with his work he is entitled to compensation on the same basis as that appertaining to personal injuries. Mining diseases, however, are treated separately.

The definition of "worker" is enlarged, and the limit is extended to workers receiving salary or wages not exceeding £750 a year.

The present limitation of compensation when death occurs is fixed at £750. The new law increases this to £800, with an additional payment of £25 for each child and step-child under 16 years of age and dependent on the worker. Hence if a man had four children the maximum compensation would be £900. Where, however, there have been weekly payments made prior to a death, these are taken into consideration; but in any event when the death occurs, no such deduction shall be made which will reduce the sum payable at death to below £200. Hence, if £800 had already been paid prior to death, there would still be a payment made of £200 of compensation.

The present limitation where total incapacity occurs is £750. This new law makes that limitation £1,000.

The payment to a wife of the injured worker has been increased from 10s. a week to £1 a week. And where there is no payment to a wife, a like weekly payment of £1 shall be paid to a female totally dependent on the worker's earnings. This payment will be made to an adult female who is caring for the children of the worker, and she may also be a member of the family of the worker if over 16 years of age. Where payment is not made in respect of children, a weekly payment of ten shillings for each brother and sister of the injured worker under 16 years of age and dependent upon him, is made. The *maximum weekly* payment, however, remains the same, namely, a sum equal to the average weekly earnings, or the sum of £5, whichever is the smaller amount.

Where the worker has died in consequence of silicosis, anthraco-silicosis and/or pulmonary tuberculosis, or is suffering from any such disease incapacitating him from work, in the case of death the total amount payable has been increased from £750 to £800. Deductions are made in respect of weekly payments from this amount, but (as in the case of injuries) no such deduction will be made so as to reduce the amount payable to the worker's dependents below £200. In the case of incapacity, the maximum weekly payment has been increased from 50s. to 55s. and the total payment increased from £750 to £1,000.

Under the new law the Commissioner will pay hospital expenses incurred by an injured worker up to an amount of £25. To secure this benefit the worker must either enter a public hospital as a public patient, if a bed is available; but if circumstances preclude the worker from so doing, the benefit will be available to him in respect of a private hospital, or the private or intermediate wards of a public hospital. If the accident necessitates an artificial member, the Commissioner will bear the full cost of same, which will be in addition to the above hospital and medical expenses.

Supreme Court.—No. 3 is read with the Supreme Court Acts. From the passing of the Act, the salary of the Chief Justice is raised from £2,250 per annum to £2,500 per annum. The Senior Puisne Judge and the five other Puisne Judges receive a similar increase of £250 in their salaries, which will now be at the rate of £2,250 per annum.

A new provision deals with the granting of leave to Judges. A Judge (including the present and future Judges) will be entitled to a statutory right of leave of absence, on the following scale: (*a*) After ten years' completed service, leave of absence, on full pay, for a period of twelve months; (*b*) After such ten years of completed service, leave of absence on the basis of full pay for one and one-fifth months for every further year of service.

If circumstances render it inconvenient for a Judge to take this leave, he is entitled to receive, either during his office as Judge, or on retirement, a cash payment of a sum calculated at the rate of salary of such Judge for the period of leave of absence to which he was entitled, but failed to take. If the Judge dies before he has taken his leave, or before he has received the full cash equivalent thereof, the Governor in Council shall pay over to the Executors of the deceased Judge such amount (deemed part of his estate) as he would have been entitled to receive had he lived. If a Judge during his lifetime directs that the amount shall be paid over to his Executors in a number of annual instalments, not exceeding ten, such amount shall not be payable in one sum, but in the specified instalments.

The Act validates all previous payments of a like nature made to Judges before the passing of this Act, but provides that nothing therein shall entitle any person (or in case of death, his dependents) who had been, but had ceased to be in office as Judge prior to the passing of this Act to the payment of any sum (other than pension, if any), in addition to that which he (or his dependents) have already received.

Nothing in this Act shall prejudice or derogate from the Commissions of the present or future Judges, and such Commissions shall remain in full force.

Industrial Conciliation and Arbitration.—No. 4 is read and construed with and as an amendment of the Industrial Conciliation and Arbitration Acts, 1932 to 1942 (which is the principal Act).

A " Fighting Force " is defined as meaning a Naval, Military or Air Force of the Commonwealth of Australia; and a " Member of a Fighting Force " means a person who is or has been a member of a fighting force during any war in which the Commonwealth is or has been engaged and/or any female serving in any capacity with or with any service forming part of the Forces, including service as medical practitioner or nurse or masseuse or otherwise. Such members, however, must be domiciled in Queensland at the time when he or she claims preference.

The definition of "Employer" in the principal Act is extended to include the Crown or Crown instrumentality for the purposes of this Act.

The Act provides that notwithstanding anything in the principal Act or in any award thereunder, whenever an appointment is to be made to an office or employment, and a member of a fighting force, as well as other persons, are applicants for the position, an employer shall (subject to the Act) appoint a member of a fighting force in preference to other persons unless reasonable and substantial cause exists for not doing so.

In determining whether reasonable and substantial cause exists for not employing a member of a fighting force, the employer shall consider (*a*) the length, locality and nature of the service of the member of the fighting force; (*b*) as between applicants who are members of a fighting force, the length, locality and nature of the service of each such member; (*c*) the comparative qualifications of the member of a fighting force and of the other applicants; (*d*) the qualifications, if any, prescribed by law for appointment to the office or employment in question and the procedure, if any, prescribed by law in respect to filling such office or employment; and (*e*) any other relevant circumstances.

An employer, however, need not appoint such member, if since the termination of his service as a member of a fighting force he has been convicted of an indictable offence.

Where a member of a fighting force has been appointed to any office or employment by way of reinstatement, such reinstatement shall and be deemed to confer upon such member all the rights and privileges, including promotion, to which he would have been entitled had he not served as a member of the fighting forces.

Any such member refused such rights and privileges may appeal to an Industrial Magistrate, who may make any necessary order.

Any member of a fighting force refused an appointment has a right of an appeal to an Industrial Magistrate, and such Magistrate may make such order as he thinks just and reasonable.

The Industrial Magistrate shall have regard to the considerations mentioned above, and, moreover, if an employer satisfies him that the appellant: (*a*) would be unable to perform the duties by reason of lack of skill or a reasonable degree of efficiency; or (*b*) is physically or mentally unfit to undertake the duties; or (*c*) has since the termination of his services as a member of the fighting forces been convicted of an indictable offence, the Industrial Magistrate shall refuse to order the employer to appoint such person. There is an appeal from the decision of the Industrial Magistrate to the Industrial Court by a person dissatisfied with the decision of the Industrial Magistrate. The Industrial Magistrate, or on appeal, the Court, may direct the employer to employ the appellant, and moreover may stipulate that such appellant (in case he is not already a member of an Industrial Union) shall apply to become a member of an Industrial Union concerned. In that case the appellant shall apply to become a member; but if an Industrial Union fails to admit such person, he nevertheless may be continued in employment.

The Court may make general rulings declaring the basis of preference in respect, *inter se*, of members of the fighting forces and employees who are not such members.

Penalties are provided for refusal or failure to comply with the section or for refusal or failure to comply with any order thereunder.

Diseases in Stock.—The purport of No. 6 is to make better provision for the eradication and prevention of tuberculosis in stock. The measure provides for: (1) The compulsory testing for tuberculosis of all dairy herds from which milk for consumption or use as such or for the manufacture of ice cream is supplied to: (*i*) the City of Brisbane; and (*ii*) any other area specified by the Governor in Council; (2) The compulsory destruction of all cattle found to be infected with tuberculosis—such destruction to be controlled and regulated by the Government; and (3) A scale of compensation to be paid for destroyed stock on a prescribed scale.

In respect of the payment of compensation a fund, called the Stock Diseases Compensation Fund, is established at the Treasury. This fund shall be used for compensation purposes. Of the amount two-thirds shall be contributed by producers and one-third by the Crown.

An assessment upon producers for their contribution to the fund shall not exceed one halfpenny per gallon upon every gallon of milk produced. The Minister may, however, exempt from assessment, or may reduce the rate of assessment payable, in respect of milk produced from dairy herds certified by a Government veterinary surgeon to be free from tuberculosis at the time of the passing of this Act. Wholesalers and ice cream manufacturers shall pay the assessment in the first instance, but shall have power to deduct such amounts from moneys payable to producers for milk supplied. Producers marketing otherwise than through wholesalers shall pay the assessment direct.

Wide powers are given to a Government veterinary surgeon to enter upon holdings and premises to test for and destroy stock affected with tuberculosis.

In regard to compensation a table in s. 7 prescribes the compensation payable from the fund. The object of the payment is to assist the owner to reinstate his dairy herd by replacing the destroyed beast with another which is free from tuberculosis and shall not be paid compensation unless that replacement occurs. However, where the number of beasts destroyed is replaced by a lesser number of tubercular free beasts and the Minister is satisfied that the aggregate value of such lesser number is equal to or greater than the total amount of compensation payable, the owner shall be entitled to be paid such total amount. Power is also given to regulate by Regulations the testing, vaccination and inoculation of stock and the use of vaccines, sera and diagnostic agents.

S. 12A of the Dairy Produce Acts inserted in 1938 aimed at tubercular testing of herds, but which was never operated, has been repealed.

Hospitals.—No. 7 makes amendment in the principal Hospitals Acts, 1936 to 1943, as set forth hereunder:—

1. The measure relieves local authorities from liability for a share of the cost of establishment and maintenance of public hospitals as from July 1, 1945. The amending Act of 1943 had already reduced a local authority's contribution to a Hospitals Board from 40 per cent. to 25 per cent., as from July 1, 1943.
2. Enables the Governor in Council to approve of certain hospitals as a training school in medicine or dentistry or other approved course of medical or ancillary training and will link up with the University in this connection. Queensland students hence can obtain all their medical training in their own State.
3. Divides the State into Hospital Regions, with a base hospital or hospitals as the pivot of each region. Medical specialties may be established at the base hospital.
4. Each Board within a hospital region shall co-operate and co-ordinate with the base hospital therein. And each Board shall co-operate with and aid all other Boards and give all necessary information as to patients and their medical history.
5. Establishment of health centres for improvement and promotion of health and physical well-being of the people.
6. Hospitals Act to be administered by the Minister.
7. Future Boards to consist of not less than five nor more than nine members. The Chairman and all Members to be appointed by the Governor in Council, excepting one local authority representative, elected by the component local authorities.
8. Future secretaries of Hospitals Board to be appointed by the Governor in Council and the Public Service Act shall extend to them. Existing secretaries

shall have right of appointment by the Governor in Council, but shall hold office at pleasure.

9. The Governor in Council shall approve of a Hospitals Board budget and may modify or alter same after hearing the Board.

10. The Board must obtain sanction of the Minister before incurring expenditure in preparation of plans or specifications of proposed works.

Matrimonial Causes.—No. 8 deals with two matters—(1) desertion; and (2) nullity.

1. As to desertion, the law of Queensland fixes the period of desertion as a ground for divorce for five years. The usual period obtaining in the other States is three years. The Queensland law therefore will make the period three years, which may be before or after September 1, 1944, or partly before and partly after that date. Consequential amendment is also made in the provision relating to dispensation of service of the writ in special cases of a person secreting himself or keeping out of the way. The original provision referred to desertion for five years (see the Matrimonial Causes Amendment Act of 1943, 7 Geo. VI, No. 20). The period has accordingly been reduced to three years.

2. As to amendment of the Nullity provision, at the present time a decree of nullity is a decree absolute in the first instance, and in this respect differs from a decree of divorce, which decree is a judgment nisi, and a period of three months must elapse before it is made absolute. Moreover, in divorce cases, specific provisions apply allowing the Attorney-General to intervene either during the hearing or subsequent, prior to its being made absolute.

It has been considered desirable that a nullity action should be placed in the same category as a divorce action, and following English law, this Act so provides. All nullity judgments after September 1, 1944, will therefore be declared a decree nisi in the first instance, and as such subject to the law as now proposed to be amended allowing intervention by the Attorney-General or by some person on leave of Court.

Health.—An amending Act, No. 9, provides:

1. That the duty of providing isolation hospitals shall be a function of the Hospitals Board instead of being provided by the Local Authority.

2. The police may obtain a search warrant and pursuant to it enter premises by force, where it is suspected that any dangerous drug or cyanide (or compound) is on the premises. A somewhat similar provision was in the old Aboriginals protection and restriction of the sale of opium Acts. It was not re-enacted in the Health Act of 1937, but its want has been manifest. It will extend to more than opium, however. Provision is made for the establishment of a Queensland Health Education Council, and for the dissolution of the old Cancer Trust. The property of the latter goes to the Council except records and technical appliances, which go to the Queensland Radium Institute also constituted.

The Health Council will be an educational body to disseminate health knowledge and make health enquiries and generally act for the general well being.

The Radium Institute has already been formed by Order-in-Council which is validated. It has certain duties relating to the treatment of cancer and will act in concert with the Hospitals Board. It will also carry out radio-therapy and will establish a bureau at the Brisbane Hospital in respect of applications for treatment and, after investigation, direct patients to the appropriate Hospital or Institution.

Factories and Shops.—No. 10 makes important amendments in the principal Act the more important of which may be observed.

The term " factory " is extended to dairy produce premises, shearing sheds, saw-mills and meat works. An " office " is also brought in under the definition of " shop," but certain machinery provisions (other than those dealing with health and hygiene) shall not apply to offices.

The " Health and Welfare " provisions and the provisions dealing with the

Factories and Shops Welfare Board shall apply throughout the State; otherwise the provisions of the principal Act as to the operation of the measure within certain specified proclaimed districts shall remain as in the principal Act.

Machinery amendments on a clearer scale deal with the registration of factories and shops, the position of new factories and shops and the giving of proper notice of a change in the nature of the work carried on therein to an inspector.

Occupiers are to allow of the entry and inspection by the inspector of their premises.

An important provision deals with Health and Welfare. The original provisions—Sanitary arrangements and Protection from Fire—are repealed and a new provision, "Health and Welfare," is inserted. The idea of the new provision is to provide for the making of rules for the better sanitation of factories, workshops, workrooms and their appurtenances. In the making of such rules, there is provided full co-operation between the Department of Labour and the Department of Health and Home Affairs. Until otherwise provided, there is an up-to-date set of rules in the Schedule to the Act, containing many improvements as to the health, sanitation and working conditions and requirements generally. The Governor in Council can modify these rules and may do so either generally or in respect of any particular class or classes of factories and shops. Before the necessary order takes effect, the intention to alter existing rules is given public notification of in the *Gazette*. Hence before amendments are made, opportunity is given to those interested to make suggestions or objections. A Welfare Board is also created consisting of three members: the Chief or Deputy-Chief Inspector of Factories and Shops and a representative each of employers and employees. If the Governor in Council thinks it desirable the number may be increased to five. It may for instance be necessary to have a representative of the Health Department on the Welfare Board.

This Board can make investigations and make suggestions for improvement in working conditions of factories and shops and may make reports to the Minister on matters dealing with the safety and health of employees. On the Board's recommendation the Minister may recommend the making of regulations or authorize the Chief Inspector to issue orders directing the occupier of a factory or shop to either observe the prescribed conditions and precautions or to provide any necessary facilities.

Certain machinery amendments deal with working hours and overtime for male young persons and females in factories and shops and as to special provisions concerning exempted shops.

The Act shall not limit or affect the operation of the Apprentices and Minors Acts.

Penalties shall be recoverable before an Industrial Magistrate and an appeal shall lie from him to the Industrial Court.

In certain cases, where an owner refuses to carry out work, the Industrial Magistrate may make an order directing the inspector to carry out the same; the cost thereof is recoverable from the owner by action in any court of competent jurisdiction.

A new provision deals with the publication of false statements in regard to goods. Any person who publishes or causes to be published any statement which is intended or apparently intended by such person or any other person to promote the sale or disposal of any goods and is to his knowledge false in any material particular is liable on conviction to a penalty of not less than £2 nor more than £100.

Before a newspaper or a seller or distributor of the newspaper is prosecuted, a warning shall be given.

The schedule contains the subject matter for rules and also contains the Rules for the time being and is very voluminous. It deals, in relation to factories and shops, with design and construction, air and floor space, floors, ventilation, air supply, lighting, temperatures, painting, dining, dressing and rest rooms, sanitary and washing conveniences, seating accommodation, ambulance and first aid provisions, fire escapes, and provision as to inquiries into accidents occurring in factories and shops. Special provisions also deal with fixing a scale of maximum weight-lifting by young males and female employees.

Criminal Law.—No. 11 is partly the outcome (after consideration) of the report of the Special Committee of Inquiry appointed by the Governor in Council on March 2, 1944, and which report was duly presented to Parliament on October 25, 1944. This Committee made thorough investigation into the prevalence of what may be called " Sex offences " and made certain recommendations as to how the law should be amended, and various other recommendations.

No. 11 also makes other amendments in the Criminal Code apart from amendments relating to sex offences, and mainly in the direction of clarifying certain sections of the Code regarding house-breaking offences and stealing as a trustee. For convenience the Act is divided into three parts and will be considered in that respect:—

(i) Those amendments of the Criminal Code having direct reference to sex offences; and provision as to detention and probation of sex offenders.
(ii) Those amendments in the Justices Act having relation to sex offences.
(iii) Other amendments of the Criminal Code.

PART I.—AMENDMENTS OF THE CRIMINAL CODE AS TO SEX OFFENCES.

In certain sections dealing with defilement of girls, the maximum sentence has been raised.

1. S. 212 is amended which relates to the offence of defilement of girls under 12 years of age. At present, if a man has unlawful carnal knowledge of a girl under 12, he is liable to imprisonment (as a crime) with hard labour for life with or without a whipping. If, however, a person is found guilty of attempting to have such carnal knowledge, he is guilty of a misdemeanour and liable to imprisonment *for 3 years* with or without a whipping. This amending Act increases the last-mentioned term from 3 years to *7 years*.

2. S. 5 amends s. 215, which deals with the defilement of girls under 17 years of age and of idiots. This section does not connote rape or violence but makes it an offence to have or attempt to have carnal knowledge of a girl under 17 (i.e., with her consent). In 1913 the age of consent was raised from 14 to 17 years of age. The present sentence is two years and this Bill makes that sentence a maximum of *five years*.

3. S. 6 amends s. 216 dealing with the indecent treatment of a girl under 17. If under 17, the sentence is imprisonment with hard labour for 2 years, but if the girl is under 12, the sentence is *3 years* with or without a whipping. This Act will increase that last-mentioned three years to *5 years*. The above amendments are in accord with the recommendations of the Committee referred to.

S. 12. An important amendment is made in the chapter of the Code dealing with Habitual Criminals; this chapter, which commences from s. 659A, was inserted by the Criminal Code Amendment Act of 1914 and the purport of that amendment was to treat as habitual criminals those offenders who repeat for a prescribed number of times the commission of certain allied offences under the Criminal Code. Offences against morality and offences relating to sex are included in these offences.

The principle of the Habitual Criminals Act is to sentence a person for a term of years and then to declare him an habitual criminal, when in that case he is detained at the pleasure of His Majesty. He is given work, and has an opportunity of being discharged if he has sufficiently reformed. If he obeys the orders and conditions of his discharge during a period named in the order, he finally ceases to be an habitual criminal.

S. 13 extends the ambit of s. 659A and provides that where any person is convicted summarily of an unlawful assault on a female or on a male child under 14 years of age and the assault is of a sexual nature and punished as an aggravated assault under s. 344 of the Code, and has been previously convicted on at least two occasions of unlawful assaults on a female or male child (or one such assault on the female and another on the child) and such assaults were of a sexual nature and punished as aggravated assaults, the Court of Petty Sessions concerned, in addition to sentencing the offender to imprisonment under the section, may order that such offender be brought before the Supreme Court or a judge to be dealt with as an habitual criminal.

In like manner a person convicted under the Vagrants Gaming and Other Offences Act, 1931 to 1938, of wilful exposure in view of any person in any public place, and who has been previously convicted on at least two occasions for the same offence, can be ordered by the Court in addition to sentencing him to imprisonment, to be brought before a Judge to be dealt with as an habitual criminal.

The original section of the Code, s. 659A, provides that the Supreme Court or a Judge may declare that any such person (coming under the purview of the original section with these amendments) shall be an habitual criminal and hence may direct that on the expiration of his sentence he shall be detained in a reformatory provided under the Code.

Part IV of the Act (ss. 17 and 18) deals with Indeterminate Detention and Probation of Offenders convicted of sexual offences.

Under the Criminal Code, by virtue of paragraph (9) of s. 19, and under s. 656 (dealing with first offenders), the Court has power to convict a person and discharge him on entering certain recognisances of good behaviour and specifying certain conditions.

S. 17 of the Act provides that, in the recognisance ordered to be entered into by an offender who has been convicted of an offence of a sexual nature, there shall be a condition if the Court (or in summary conviction, the justices) so order, that the offender shall be under the supervision of such person named in the order, and during a specified period, and subject to such other conditions for securing its obedience. This order is called a Probation Order and the Governor in Council may appoint persons as probation officers and/or children's probation officers.

The person named in a Probation Order shall be selected from amongst the probation officers; but if the offender is under 17, such person, in the absence of good cause to the contrary, shall be selected from amongst the children's probation officers. It shall, however, be lawful to name in a probation order, as the person to undertake supervision in any special case, a person who is the agent of a voluntary society; any sums payable by way of salary for the performance of his duties to such agent may be paid to the society.

The expression " voluntary society " means a society carrying on mission work in connection with police courts or any work of that nature in connection with the supervision and care of offenders.

The duties of a probation officer, subject to court direction, shall be to visit or receive reports from the person at reasonable intervals, to see that the person observes the conditions of his recognisance, to report to the court or justices as to the person's behaviour and to advise, assist and befriend such person and when necessary endeavour to find him employment. Salary and/or out of pocket expenses may be allowed to a probation officer by the Governor in Council.

An important provision is made under s. 18 dealing with detention of persons incapable of controlling sexual instincts. Where a person has been found guilty of an offence of a sexual nature committed upon or in relation to a child under 17 years of age: (*a*) if the offender was found guilty by the Court, the Judge may direct that two or more medical practitioners (one qualified in psychiatry if available) inquire as to the mental condition of the offender, and in particular whether his mental condition is such that he is incapable of exercising proper control over his sexual instincts; (*b*) if guilty on summary conviction, the Court of Petty Sessions can order the offender to be brought before a judge to be dealt with as under (*a*).

When a psychiatric clinic is established under the Backward Persons Act of 1938, the Judge may direct members of the clinic to make the inquiry. (This clinic has recently been established.)

The medical practitioners shall conduct the inquiry by means of personal examination and observation and by reference to records of the offender, and shall report to the Judge. If the report indicates that the offender is incapable of exercising proper control over his sexual instincts, the Judge may either in addition to or in lieu of imposing sentence or in addition to the sentence of the Court of Petty Sessions, declare that the offender is so incapable and direct that he be detained during His Majesty's pleasure. The offender shall have opportunity, however, to cross-examine the doctors and call evidence in rebuttal of their report, and no such order shall be made unless the Judge shall consider the matters so reported are proved. Similar provisions are also extended to the inmates of gaols serving sentences for offences of a sexual nature whether committed upon a child under the age of 17 or upon or in relation to a person over that age. Where two medical practitioners (one of whom qualified in psychiatry) report to the Attorney-General that such prisoner is incapable of exercising proper control over his sexual instincts, that such incapacity is capable of being cured by continued treatment, and that for the purposes of treatment it is desirable that such person be detained in an institution after his sentence, the Attorney-General may apply to the Court for the necessary declaration.

Where a declaration is made in each of the above cases, the offender or prisoner shall be detained in an institution directed by the Governor in Council, and, until so directed, in a prison or gaol;

And the person detained shall not be released until the Governor in Council is satisfied on the report of two legally qualified medical practitioners that it is expedient to release him.

If the medical practitioners report to the Judge that the prisoner is not incapable of exercising proper control over his sexual instincts, but that his mental condition is subnormal to such a degree that he requires care and supervision in an institution either in his own interests or for the protection of others, the Judge, after considering the report and evidence, and being of opinion that the offender requires such care and supervision: (*a*) direct that the offender or prisoner be detained in an institution for such period as he directs or during His Majesty's pleasure; (*b*) if offender convicted on indictment, pass sentence and in addition make the direction as in (*a*); (*c*) where summarily convicted and sentenced to imprisonment, direct as in (*a*); (*d*) where summary imprisonment was reserved, direct as in (*a*), but in such case the prisoner shall, unless the Judge otherwise orders, be brought before the petty sessions court for sentence.

Detention follows in an institution as directed by the Governor in Council, or until directed in a gaol or prison, and similarly he is not released until the Governor in Council is satisfied on the report of two doctors that he is fit to be at liberty.

As to treatment of offenders and prisoners detained.

They are to be examined once in every three months by the Director of Mental Hygiene or by some medical practitioner appointed by him to conduct examinations. Any medical practitioner having made an examination shall forthwith furnish a report to the Director-General of Health and Medical Services. The provisions of this section may by order of a judge made on application of a Crown law officer be applied to a prisoner who before the passing of this section was found guilty of an offence of a sexual nature on a child under

17, and who is undergoing sentence or subject to be sentenced to imprisonment. Regulations may also be made.

PART II.—AMENDMENTS OF THE JUSTICES ACTS.

Ss. 14, 15 and 16 of the Act deal with this matter. S. 70 of the Justices Acts gives power to the Court to exclude persons from the Court on the grounds of public morality, excepting of course counsel or solicitor for the defendant, and s. 71 declares that, in respect of persons charged with indictable offences, the Court is not deemed an open court and the Justices can order that no person shall be in the room without permission, but they shall not make such order unless it appears to them that the ends of justice require them so to do. In addition to the above powers, this Act will provide that sexual offences *committed against children shall be heard in camera.*

Power will be given to the Justices to exclude from any room or place in which such Justices: (*a*) sit to hear and determine any complaint of an offence of a sexual nature alleged to have been committed upon a child under the age of seventeen years; or (*b*) take the examination and statement of any person in relation to a charge of an indictable offence of a sexual nature alleged to have been committed upon a child under the age of seventeen years for the purpose of committal for trial, all persons except: (*a*) complainant, (*b*) the prosecuting officer or member of police force in charge of case, (*c*) counsel and solicitor for such complainant or member, (*d*) defendant, (*e*) his counsel or solicitor, (*f*) any parent or guardian of the child (and whilst any other child under seventeen is giving evidence) (*g*) any parent or guardian of such other child, (*h*) representative of State Children Department, (*i*) any representative of any organization or institution interested in the care or reform of children.

Power is also given to prohibit publication of proceedings of a sexual nature.

It is provided that: (*a*) Where the Justices hear and determine any complaint of an offence of a sexual nature or take the examination and statement of any person in relation to a charge of an indictable offence of a sexual nature; or (*b*) Where the Judge presides at the trial of any person who has been committed for trial or for sentence in relation to a charge of an indictable offence of a sexual nature, the Justices, or as the case may be, the Judge, may make an order prohibiting the publication of the whole of such proceedings in any newspaper, or prohibiting the publication of such part of the proceedings and/or the name or names of any witness or witnesses under the age of seventeen years, and/or the name of the complainant or the person against whom the offence was committed, where such complainant or person is a female, as they or he shall specify in the order concerned.

If any person acts in contravention of any order made under this sub-section, such person shall be liable, if a corporation, to a penalty of not more than five hundred pounds, and if any other person, to a penalty of not more than one hundred pounds or to imprisonment for a term not exceeding six months, or to both such penalty and imprisonment:

Provided that, where a person who is guilty of an offence under this sub-section is a corporation, any person being a member of the governing body, director, manager or officer of such corporation shall be deemed to have committed the like offence and be liable to the pecuniary penalty or imprisonment or both provided by this sub-section in the case of such an offence by a person other than a corporation accordingly, unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

Nothing in this section shall prevent the publication of such proceedings in any separate volume or part of any bona fide series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law or in any publication of a technical character bona fide intended for circulation among members of the legal or medical professions; but where an order prohibiting the publication has been made, any such publication referred to in this paragraph shall not contain the names of the defendant or of the witnesses or of any other particular which may serve to identify the case referred to; and when the order prohibits the publication of the name or names of the complainant and/or any witness or witnesses, such order must be obeyed in that regard.

S. 16 amends s. 111 of the Justices Acts providing for the depositions taken before justices being read as evidence in the trials under certain circumstances.

A new provision is added to these cases, namely that when a person has been charged before justices with an indictable offence of a sexual nature committed on a child under twelve years of age, the deposition of the child and any other child under twelve in the discretion of the Judge (and if such depositions are duly attested and signed as provided) without further proof be read as evidence on the trial of that person, for the offence for which he was committed or for any other offence for which an indictment shall be presented arising out of the same circumstances.

PART III.—OTHER AMENDMENTS OF THE CRIMINAL CODE.

Ss. 7. 8. 9. Clause 421 of the Criminal Code dealing with breaking and entering has been amended to clarify what is meant by a building. Other kinds of buildings are inserted, and these new buildings need not be associated with a dwelling house. Such buildings, e.g., a school, warehouse, hangar, factory, locked railway vehicle, etc., are included.

S. 10 brings a trustee within the meaning of the Trust Accounts Act within s. 436 dealing with stealing and frauds by trustees.

S. 11 alters s. 568 of the Criminal Code, in relation to offences committed by trustees within the meaning of the Trust Accounts Act, wherein such trustees can be charged as for a "general deficiency."

S. 12 amends s. 641 of the Criminal Code and is consequential.

Moreover, on a trial, the ownership of the money stolen or fraudulently disposed of may be laid in the indictment in the name of any one or other of the beneficiaries specifying the words "and others" to include the rest of them.

This provision will clear up difficulties in proceeding against a defaulting trustee who is a trustee for several beneficiaries and it is difficult to prove from what particular beneficiary he stole the money in question.

Apprentices.—No. 12 is in part introduced after consideration of the special report of a Committee of Inquiry on Apprenticeship held in 1944. The Committee made a very useful survey of the whole position, and while some of the recommendations will be considered in the post-war period, it has been decided to implement those which can be legislated for at once.

The Act alters the time of the probationary period of apprenticeship. The principal Act allows three months with an extended period not exceeding three months as the Executive in consultation with the Group Committee may determine.

This Act fixed a period of six months of apprenticeship probation, but enacts that thirteen weeks of it shall be spent in training at a college which shall be continuous training unless the Executive otherwise orders.

However, as it can be understood that it might not be possible to give the whole effect to this, the Act provides that the new provisions shall be in prescribed areas, and/or in respect of specific trades in the area.

But if on the promulgation of an area or trade, an apprentice had already completed his probation of six months, he can take his thirteen weeks' training in the college during the first year of his apprenticeship or such part as may be possible.

Apprenticeship rates of pay. The percentages recommended by the Committee's report are approved in the measure: 1st year 17½ per cent., 2nd year

30 per cent., 3rd year 45 per cent., 4th year 57½ per cent., 5th year 72½ per cent. of the wage prescribed for journeymen in the award. Where the period is shorter than five years, the average wage during the period shall not be less than 44½ per cent. of the journeyman's wage in the trade. These rates will be the minimum rates to be recommended for approval by the Governor in Council. The procedure is that the Executive (after investigation and regard given to reports of the Group Committee) will frame draft regulations for submission to the Governor in Council. But regard must be given to the rules or by-laws under the Commonwealth National Security Act. The regulations when approved apply to existing indentures as well as to new ones.

Minor machinery amendments made, as to Acting Chairman of Group Committee, continuity of tenure of office of apprenticeship executive, group committees, and advisory committees.

The Technical College Principal shall be the Chairman of the Advisory Committee *vice* State Labour Agent. This is considered desirable as apprenticeship is in the nature of training and educational period of the youth.

Five years is the maximum period of apprenticeship and no apprenticeship can commence at an age earlier than the "school leaving age." This age at present is fourteen. So that if increased to fifteen or over, the Act will be read as meaning the new age.

Important amendments as to Technical college classes.

Unless otherwise determined by the Minister on the recommendation of the Executive after consultation with the Group Committees in the calling, every apprentice shall attend, and every employer shall permit him to attend, during probation, a technical college or school for a period of thirteen weeks' full trade instruction.

Where it is not practicable or possible to attend the thirteen weeks during probation, arrangements may be made for him to undergo the thirteen weeks during his first year of apprenticeshp or so much as may be possible to undergo. The apprentice shall attend this instruction during ordinary working hours and be paid by his employer at the rate of first year apprenticeship rate of pay. Similarly an apprentice shall attend and the employer shall permit him to attend a technical college for a period of one full day per fortnight for each of the 2nd, 3rd and 4th years of his apprenticeship; and during attendance he shall be paid the relevant wage by his employer. Where it is not practicable to attend college, the apprentice shall be taught by correspondence; and he shall be allowed to absent himself from work one day per fortnight for a similar period, and on satisfactory evidence adduced shall be paid wages by the employer. But this provision shall only apply to those apprentices who are not required to attend a technical college. Similarly the apprentice must attend a technical college in his own time during the commencement of apprenticeship (except during the thirteen weeks training period) until the close of the year, two evenings per week for part time instruction; and during each of the three succeeding college years, four hours per week, portion of which may be made up on Saturday mornings. The Minister on the recommendation of the Executive after consultation with the Group Committee shall allow an apprentice who has reached a prescribed standard to attend, free of charge, a higher trade course at college covering two college years. No fees chargeable for any instruction attendance where it is compulsory. If an apprentice fails to secure at least 80 per cent. attendance, his attendance is deemed unsatisfactory unless his absence is supported by a medical certificate. If found unsatisfactory in attendance, the apprentice may not be paid the increase of wages under the scale. These amendments also operate in prescribed areas and/or trades. But excepting the thirteen weeks training provisions, the college provisions as to attendance free of cost to the apprentice may be applied to other areas or trades not proclaimed subject to any necessary modifications.

The Governor in Council may appoint welfare officers and these may be part-time officers. Their duties are to see that the Act is observed, to supervise apprentices, to endeavour to remove complaints and generally to see to it that the apprentice is getting the necessary trade experience coupled with his college training.

State Electricity Commission.—No. 13 amends the State Electricity Commission Acts and the Electric Light and Power Acts. The principal function of the State Electricity Commission under the 1937 Act was to negotiate an agreement with City Electric Light Co., Ltd., in respect of the supply of electricity in the south-eastern portion of the State.

Other functions were imposed on the Commission, but for the most part investigatory in character.

However, it quickly became apparent that the State laws relating to the supply of electricity could be best administered by the Commission as a central and permanent administrative body. This Act gives statutory effect to this and charges the Commission, as the permanent administrator, with the duty of planning and supervising the electrical development of the State.

The 1937 Act authorized the Commission to fix the maximum prices for electricity supplied to consumers and to public lamps.

However, that Act was restricted in that the Commission had no statutory power to control the part of any overall charge based on installation and maintenance costs. The amendments will allow the Commission to control all charges associated with the supply of electricity to public lamps; moreover the economics of a particular undertaking often require that the fixed prices be paid without reduction, and this Act so provides. Hence the electric authority will charge the prices as fixed by the Commission and no other prices.

Two additional phases of price control also provided for, viz., bulk supply between electric authorities and as to special arrangements for supply by an electric authority to large consumers, subject of course to the safeguarding of ordinary consumers.

Further wide powers are conferred by this measure upon the Commission: (*a*) the control by it of standards of plant, equipment, system frequency and pressure for electric undertakings; (*b*) the planned and co-ordinated development of electricity undertakings throughout the State; (*c*) permitting the Commission if necessary to itself function as an electric authority in respect of the generation of electricity; (*f*) authorizes the Commission to take or give supplies of electricity in bulk either within or without the State, e.g., the probable development of the Clarence River hydro-electric scheme in the Northern Rivers District of New South Wales; (*g*) powers of the Commission in respect of the encouragement of the use of electricity; (*h*) the determination by it of the most economic sites for generating stations, having in mind the location and development of coal fields and of suitable sites for hydro-electric generation; (*i*) availability of technical advice by officers of the Commission; (*j*) a policing power of the Commission over electrical goods to secure their safety in use (arrangements have been made to prevent overlapping with the Inspection of Machinery Dept.); (*k*) the establishment of a rural development section of the Commission for advisory purposes, the services of which will be available to all rural interests.

Extension of the provisions as to licences.

The 1935 Act amended the Electric Light and Power Acts to make provision for the supply under licence of electricity by owners of generating plants. For instance, a picture show proprietor may under licence supply electricity to the small community in which his theatre is situated.

The section now provides also for a licence to be granted to any person even though not the owner of a generating station to construct and operate a transmission line for his own use. A licensee is required to give continuous supply in terms of his licence and must not dispose of his licence without approval. If the area of a licensee is assumed by an electric authority such authority may be required to purchase such of his transmission lines and other works as the Commission may require.

Extension of the safety provisions to cover not only the consumer's wiring and fittings, but also all appliances, apparatus and equipment used by the consumer in connection with his installation.

Under the existing provisions the use of unsafe installations, apparatus or appliances could be prohibited, but there was no power to require repairs to be effected. This Act remedies this. It also provides that standards may be prescribed for private plant installations under different circumstances; for example, an old installation which has reasonable standards will not be required to conform to the same strict standards as a new one.

Provisions safeguard the position of existing agreements under the principal Acts and orders-in-council issued in pursuance of such agreements. For instance, the agreement with City Electric Light Co., Ltd., may be mentioned. The clause, however, does not affect any action which can be taken upon the expiration of such agreements.

The Regional Electric Authorities.—The object of No. 16 is shown in its long title, viz., " An Act to provide for the extension and co-ordination of the supply of electricity throughout Queensland in the manner best calculated to promote and serve the population, development and industries of the State, and to secure its economic well-being and for purposes incidental thereto."

Shortly, its object is to give to the fullest possible extent to the people of the State, both in urban and rural areas, the advantages and social amenities of electricity and ensure provision of these advantages to the maximum extent by the making available cheap and constant supply.

To carry out the objective of the measure, the following provisions have been enacted:

1. The divisions of the States into Regions of electricity supply. The plan, of course, will be carried out step by step as the whole State cannot be regioned forthwith; hence the Governor in Council establishes the regions. These are established on the lines of Joint local authority areas, and there is the usual power of reconstruction of regions, alteration thereof, abolition and joining the abolished region to another region. Elasticity in constitution of regions is hence provided for.

2. Certain exceptions to inclusion in regions are provided for. For instance, the Act excludes from regions the area of supply of privately owned undertakings operating under agreement with the Commission—e.g., City Electric Light Co., Ltd., or operating under order in council giving the Governor in Council the right to purchase.

For each region there will be a regional Board constituted of one representative of the Electricity Commission and the remaining members to be members and representatives of the component local authorities. The Act does not fix the number of members of any Board, which will be dependent upon the nature and circumstances of the region, and will be left to the Governor in Council.

On and from a date prescribed by the Governor in Council as the date on and after which any Local Authority which is an electric authority ceases to be such an electric authority, the undertaking of the Local Authority is transferred to and vested in the Board. Usual vesting provisions as to property, actions, contracts and debts are provided for in the Act.

The Regional Board accepts both the assets and liabilities of every transferred local authority electricity undertaking in its region. It also accepts the responsibility for the repayment of any moneys borrowed by a Local Authority on behalf of its electricity undertaking transferred to the Board. The rights of bond or debenture holders are preserved and have priority over any loan raised by the Board.

The Board has the same powers, obligations and functions under the Electric

Light and Power Acts as did the Local Authority prior to the transfer of its undertaking to the Board. Provision is also made for the sale to the Board of privately owned undertakings operating under order-in-council which are subject to s. 46 of the Electric Light and Power Acts.

As to the Constitution and functions of Regional Boards: As before stated the composition of the Board is by one member nominated by the Electricity Commission, and the other members being members of local authorities in the region. It is essential that the Commission should have close association with the conduct of regional undertakings particularly in the early years of their development. The matter of Local Authority representation follows the principles of joint local authorities in the Local Government Act.

A regional Board is named according to its region and will be a corporate body. Terms of office shall be as prescribed but not exceeding three years. Certain machinery sections follow the principles of the Local Government Act, i.e., vacation of office, resignations, filling of vacancies, meetings, chairman, disqualifications from voting, adjournment, minutes and records and usual machinery provisions.

Functions of the Regional Board: generally the Board is empowered, (*i*) to supply electricity and (*ii*) to undertake electrical installation work and (*iii*) to trade in electrical goods.

The Act also ensures that while the Regional Board will be concerned with and will have full power and responsibility to determine matters of policy, its technical functions will (subject to its policy) be carried out by a fully qualified manager. The Act, therefore, reserves to the Board exclusive power to determine all such matters as relate to policy. However, for the convenience of administration the Board may delegate to the manager any of its reserved powers except the power to borrow and/or vote money and to fix charges and/or fees. This delegation the Board makes by resolution which must be approved by the Governor in Council on the recommendation of the Commission. The Board may also withdraw any such delegation.

Subject to the Arbitration War Service Preference in Employment Act, the Board shall appoint a person chosen solely on the basis of his executive technical and administrative experience and qualifications to be manager. The appointment shall be subject to the approval of the Commission.

The manager or secretary may be suspended by the Board, but these officers have a right of appeal to the Commission. The Commission shall if requested by the suspended officer and may in any event of its own volition appoint some person to enquire into the case and report to it. The Commission shall determine whether or not the officer shall be dismissed.

The manager shall exercise the functions which are not reserved functions and such reserved functions as delegated to him. He shall have control of the staff except the appointment and termination of employment of the secretary. The secretary is appointed by the Board. The manager may accept tenders involving an expenditure not exceeding £250.

The manager may attend meetings and take part in discussions but shall not vote. He shall attend meetings when required and shall assist the Board at meetings and arrange for the attendance of necessary officers.

Certain other provisions deal with the signature by the manager of official documents, keeping of a register of orders, the authorization of expenditure in certain cases, and he may act for the Board in legal proceedings involving an amount of not more than £100.

Certain employees of an electric authority, i.e., that of a Local Authority or other undertaking, transferred or vested in the Board if employed by the authority for two years prior to the transfer, have a right to employment by the Board for 12 months, or for compensation, subject to good conduct.

An officer of the Board must give notice to the Board of his interest in a contract and must not accept any fee or reward except his proper remuneration as an officer of the Board.

As to Funds: The Auditor General and the Commission jointly are authorized to fix what funds a Board must establish and keep; and also to make rules regulating payments into and out of the various funds. The Governor in Council is to control by regulation the finances of the Board in respect of the prohibition of any particular fund, and its winding up, temporary overdraft accommodation, investment of surplus funds and interest on trust moneys.

The Loan provisions follow in the main those of the Local Government Act, and the Board is a local body for the purposes of the Local Bodies Loans Guarantee Acts. Due provision is made for the application of loan moneys, repayment of Treasury loans, and as to debentures; and the usual local government provisions apply as to default in payments by a Board and the appointment in that event of a receiver.

Annual budgeting provisions are also provided. The Budget is to be prepared before July 31 in each year and a copy sent to the Commission. The Commission shall inform the Board as to whether it approves or whether it requires amendment. The Board may adopt or decline to adopt the budget approved by the Commission. The Minister's decision is final in the last analysis and binding as regards the Budget on the Board and Commission.

Certain machinery provisions dealing with contracts, legal proceedings, appearance by a Regional Board in proceedings, institution of proceedings by the Board, proof of documents, notice of action, and penalty proceedings follow in the main the Local Government Act provisions.

The Governor in Council is given power to make regulations for the purposes of this Act, which must be tabled in the House. Certain other powers (similar in principle to those of the Local Government Act) are given to the Governor in Council to make orders-in-council to carry out the objects of the Act. The Governor in Council, too (as in the Local Government law) may rescind any resolution of the Board, and also may prohibit extravagant expenditure by the Board.

This Act coupled with the State Electricity Commission Acts is a direct step in the forward progressive plan towards supplying the people of the State with electricity on a sound basis.

Industrial Conciliation and Arbitration.—The amending Act of 1941 dealt with the matter of making Labour Day, i.e., the first Monday in May or day proclaimed a holiday for workers and the intention was that they should get paid for that day whether they worked on that day or not. However, there were certain difficulties of interpretation, and No. 14 now provides that a worker shall be paid for that day whether he works on the day or not; and if he works on Labour Day he shall be paid a full day's wage for that day and in addition a payment for the time actually worked by him at the ordinary rates prescribed for such work with a minimum of four hours.

The Act will also provide that where a person is paid for overtime, the overtime rate shall be based on the rate of pay he actually receives, where it is in excess of award rates, and not at the minimum rate of pay prescribed in the award for the employee.

The employer is required when paying an employee to indicate on his pay envelope or by way of a statement showing how his pay is made up, i.e., the date, period covered, rate of wages, hours worked, overtime and other prescribed details.

It will be an offence for a person to publish that he will employ workers at rates lower than the lawful award rate, or for a worker to publish that he will be willing to work for such lower rate. Newspapers publishing such advertisements are liable to prosecution; but will be warned in the case of a first offence.

Mines.—No. 15 amends the Mines Regulations Act, and the Metropolitan Water

Supply and Sewerage Acts in various matters. It is considered that especially in the post-war years there will be considerable activity in sewerage construction both in the City of Brisbane and in the country generally. It is thought that to clarify the position the whole matter of inspection and rules should be brought under one common head, namely, under the Mines Regulation Acts. This will be advantageous not only in administration, but in regard to safe working conditions. At present s. 5A of the Mines Regulation Acts gives power of inspection of sewers under construction in country towns after proclamation. The Mines Regulation Act was modified to suit these cases, and such sewer construction is so inspected.

Opportunity will therefore be taken to bring the whole sewerage jurisdiction including the Brisbane Area under the ambit of the Mines Regulation Acts. At present the Brisbane Area is under a set of rules under the Metropolitan Water Supply and Sewerage Acts.

And in this connection, the ambit of the rule-making power will be extended to sewers under construction, and also to works such as a shaft, drive, trench, hole or excavation being sunk for the purpose of repairing sewers where the ultimate depth is not less than seven feet. Subsequently an order-in-council can be issued under this Act as now amended bringing all sewers under construction or repair in the City of Brisbane and the country towns under its provisions, and one set of rules will then be applicable to all such works throughout the State.

4. SOUTH AUSTRALIA

[*Contributed by* E. L. BEAN, ESQ., C.M.G., *Parliamentary Draftsman.*]

ALTHOUGH Australia was very much at war throughout 1944, the South Australian Acts passed in that year showed little sign of it. They were concerned with current problems of social services, public finance, Crown lands, agriculture, and the general improvement of public administration.

If one seeks a link between the work of Parliament and the war, it may be found in the fact that the legislation was in some degree a preparation for the homecoming of the men from the fighting forces, and would assist in their repatriation.

Thirty-nine Acts were passed in the Session of 1944, of which the following are worthy of special note.

Advances for Homes.—No. 21 deals with advances for homes made by the State Bank of South Australia. It provides that the maximum loan to a borrower for the purpose of providing a home shall be raised from £700 to £1,000; and that a loan may be made up to nine-tenths of the value of the security offered, instead of six-sevenths as previously provided.

The scope of the Advances for Homes Acts is widened by a provision that persons with incomes up to £600 a year are eligible for advances; previously the limit was £450.

Under the previous law a person who owned a house other than that for which the loan was required was not eligible for a loan; the new Act provides that a person who owns a house may obtain a loan for another house, if by reason of the distance of the first house from his place of employment, he cannot conveniently live in it.

Advances to Settlers.—No. 22 empowers the State Bank to lend up to £1,000 to a primary producer for the purpose of erecting, enlarging or altering a dwelling house on his holding, if the house is to be occupied by the primary producer or a member of his family, or an employee, share farmer or tenant. A loan may be made up to nine-tenths of the value of the security. Every loan must be secured by mortgage, but the mortgage may rank in priority after a mortgage to a private person.

Interest will be charged at the fixed rate under the Advances to Settlers Act (which will probably be 4 per cent.), and the Bank may grant up to 35 years for the repayment of the advance.

Commonwealth Financial Agreement.—No. 34 ratifies the Amending Financial Agreement entered into between the Commonwealth and all the States of Australia. The main effects of the new agreement are to validate the sinking fund contributions heretofore made by the Commonwealth and the States on loans raised on Treasury Bills to meet revenue deficits, and to provide the rate of such sinking fund contributions for the future.

The original Financial Agreement provided that these contributions should be paid by the State only, at the rate of four pounds per cent.; but in practice the State has paid the contributions at the rate of five shillings per cent. and the Commonwealth has contributed at the same rate. The new agreement validates these past contributions, but provides that in future the State must pay fifteen shillings per cent., and that the Commonwealth contribution of five shillings per cent. will continue.

The amending agreement also includes a Schedule containing a reprint of the original Financial Agreement, with all the amendments made so far. This reprint is adopted by agreement as the official text of the Financial Agreement for the future.

Chaff and Hay (Acquisition).—The general object of No. 4 was to ensure that the stocks of hay and chaff in the State at the end of the year 1944 would, irrespective of ownership, be used to the best possible advantage in the then prevailing conditions of drought. The Act set up a committee which was empowered to purchase chaff, hay and standing crops, including chaff and hay from outside the State. The committee could also acquire compulsorily chaff, hay and standing crops in proclaimed areas in the State. The powers of purchase and acquisition ceased on September 30, 1945. An amount of £250,000 was appropriated for the purposes of the committee.

Crown Lands.—No. 26 enacts a number of provisions for improving the administration of the land laws and helping settlers. So that the Government will be able to deal with the large amount of work involved in its land settlement policy, the Act increases the number of members of the Land Board from four to six. It also empowers the Minister of Lands, on the recommendation of the Land Board, to make reductions and remissions of money payable by settlers under Crown leases and agreements to purchase Crown lands. Another useful rule in the Act is that small blocks of Crown land may be allotted without calling for public applications, to adjoining lessees or purchasers. The Act also provides for orderly development of the Leigh Creek township (situated on a new coalfield) by a provision that the Government can issue leases and land grants of town blocks, containing conditions as to building and personal residence.

Dairy Produce.—No. 5 continues for a further two years the Dairy Produce Equalization Scheme under which a home consumption price is fixed for butter and cheese, and the proceeds of the sale of all butter and cheese, whether exported or sold on the home market, are pooled and used to pay an equalized price to producers.

Drought and Frost Relief.—No. 18 provides that the sum of £900,000 made up of £450,000 of State money subsidized by a similar sum from the Commonwealth, is to be set apart for making grants to farmers affected by drought and frost. This Act is unique in that it is the first Drought Relief Act to provide that money for drought relief will be granted to farmers as a gift and without conditions. Parliament left it to the farmer, as a matter of honour, to use the money for the purpose of keeping his land in production. This plan avoids much administrative machinery which in the past has been costly to the State and irksome to the farmer.

Encroachments.—No. 24 amends the general law as to encroachments. Encroachments are common in South Australia. In numerous cases, owing to a mistake in the boundary, one man's building or fence is wholly or partly on another man's land. The law at present is that the encroaching owner may be compelled to remove the encroaching building or fence or to pay damages, or both. The courts have no authority to validate the encroachment upon payment of compensation. The principal object of the Act No. 24 is to give the Courts a discretionary power to grant to the encroaching owner, upon payment of proper compensation, a title to the land on which he has encroached. The Act also contains a useful provision for enabling courts of law to make orders for fixing and marking the true boundaries between neighbouring blocks of land.

Highways.—No. 36 authorizes the Commissioner of Highways, with the approval of the Governor, to provide lighting for any road. If any road is lighted by the Commissioner, the municipal or district council in whose area it is situated is to pay one-third of the cost, but not exceeding 18 per centum of the rate revenue derived from property abutting the road.

The Commissioner is also empowered to carry out road works for councils and other public authorities where it is agreed that the cost is to be repaid to him, and to make advances repayable with interest to councils for the purchase of road-making plant.

Interest on Crown Advances and Leases.—The object of Act No. 13 is to enable the Government to reduce interest on loans made by the State and public authorities.

The Act authorizes the Treasurer to declare, by notice in the *Gazette,* the rate of interest which is to be payable on loans made by the Government, the State Bank or any other lending agency of the Government. The declaration will apply to all loans, whether made before or after the publication of the notice; but, in the case of loans made before the passing of the Act, the rate of interest is not to exceed that fixed at the time the advance or loan was made.

Where rents or instalments under any Crown lease or agreement are fixed with reference to a rate of interest prescribed by any Act, Act No. 13 empowers the Treasurer to declare a rate of interest, and the rent or instalments are to be fixed with relation to the rate so declared.

Land Settlement.—No. 37 contains provisions for the promotion of land settlement. It enables the Government to acquire "under-developed" land, to prepare it for settlement and promote closer settlement on it. In the past the difficulty in acquiring land for settlement has always been to obtain land at a reasonable price. This Act deals with the problem of price by providing that when under-developed land is acquired, the compensation payable to the owner will be determined on the assumption that further improvements on the land are forbidden by law. The Act provides for the establishment of a Parliamentary Committee on Land Settlement. No land will be acquired as being under-developed land except on the recommendation of this Committee. The Committee will also have the function of advising the Government on land settlement problems of all kinds.

Land acquired under the Act will be allotted on perpetual lease, and lessees will have the option of acquiring the fee simple at any time after ten years.

Local Government (Forestry Reserves).—No. 27 authorizes any municipal or district council to establish a forest. The forest may be established on land of the council or on Crown land dedicated or reserved for the purpose. The Minister may make interest free loans to a council for establishing and managing its forest.

The Conservator of Forests may advise councils on the management of forests and, if a loan is given to a council, the council is to follow his directions. Revenue received from a forest for which an advance is made is to be applied: (*a*) for working expenses; (*b*) in repayment of the loan; (*c*) in making provision for replanting. Any surplus is to go into the council's revenue. The council is not liable to repay any loan except from the revenue derived from the forest.

Marriage.—No. 7 enables a person authorized to celebrate marriages to celebrate the marriage of a minor where satisfied by documentary evidence that the consent of his parent or guardian has been given, although it has not been given in the formal manner required by the Act. The Chief Secretary is authorized to give consent to a marriage of a minor where the parent or guardian is incapable of giving consent (e.g., by reason of mental defect) or where the parent's or guardian's whereabouts are unknown.

Ministers' Titles.—No. 28 alters the titles of certain Ministers of the Crown. For many years some Ministers have been known as " Commissioners," e.g., the Commissioner of Crown Lands, the Commissioner of Public Works and the Commissioner of Forest Lands. The word " Commissioner " is an ambiguous term. It is applied somewhat indiscriminately to Ministers and the holders of certain posts in the Civil Service. It is proposed to abolish the use of the term " Commissioner " as a Ministerial title and to substitute " Minister." The Commissioner of Crown Lands will accordingly be known as the Minister of Lands, and the Commissioner of Public Works as the Minister of Works. The special titles which the Minister of Works has by virtue of his control of waterworks, sewers and water conservation will also be abolished and he will administer all the Acts dealing with these matters in the name of the Minister of Works.

Pastoral.—No. 29 contains a number of provisions relating to pastoral land, i.e., the wide open spaces beyond the margin of cultivation. In order to enable the Government to deal with soil erosion, the Act provides that the Minister of Lands may require any pastoral run to be spelled upon the expiration of the lease, and after being spelled to be allotted on special terms and conditions so as to conserve the vegetation on the land.

The Act also provides that the Minister of Lands may, on the recommendation of the Pastoral Board, exempt a lessee from the obligation to comply with any covenant or condition in his lease and may waive any rights arising from breach of any such condition or covenant. The procedure for valuing improvements at the end of a pastoral lease is improved and a provision is inserted to enable the Minister of Lands to include any small area of pastoral land which is not held under lease, in the lease of an adjoining lessee.

Payment of Members of Parliament.—No. 19 carries into effect a resolution passed in the House of Assembly in favour of increasing the rate of payment to members of Parliament from £400 to £600 a year. This Act does not apply to Ministers.

Public Works Standing Committee.—No. 9 provides that a member of the Parliamentary Standing Committee on Public Works who ceases to be a Member of Parliament and is not elected at the next Parliamentary election, may continue on the Committee until his successor is appointed; and if he is re-elected at the next election he may remain a member of the Committee during the interval between the two Parliaments.

Road Traffic.—No. 20 provides that a unit of mobile machinery such as a concrete mixer or boring plant drawn behind a motor vehicle like a trailer, will be registrable at half fees; and that tractors, bulldozers, scarifiers, graders, rollers and the like can be used on roads in connection with road work without registration.

The Act also contains a short code setting out the meaning of the traffic light signals used in the City of Adelaide.

Stamp Duties.—No. 30 deals with exemptions from stamp duties. In the first place it exempts from stamp duty documents by which money or securities are transferred to a pension or superannuation fund established by an employer for his employees. Secondly, conveyances, transfers and mortgages executed for the purpose of buying houses, farms and other property for ex-service men, Australian seamen and their widows, are exempted from duty on the first £1,200 of the amount on which duty is ordinarily computed.

Supreme Court (Judges' Pensions).—No. 38 provides for a retiring age and pensions for judges of the Supreme Court. It requires all judges appointed in future to retire at seventy and gives them the option of subscribing for pension. A judge now in office is not required to retire, but may elect to subscribe for a pension, in which case he will be required to retire at seventy. If a judge now in office does not elect to subscribe for pension he will continue in office under his present life tenure. Every judge who elects to subscribe for pension will pay a contribution of eighty pounds a year. The maximum amount of pension will be half the judge's salary. This will be payable when a judge retires, either on invalidity or at the retiring age, with fifteen years' service. If a judge retires at the retiring age or on invalidity with not less than five and not more than fifteen years' service, a reduced pension will be payable at the rate of three-tenths of his salary for five years' service, with an additional one-fiftieth of his salary for each additional year of service above five. If a judge retires with less than five years' service no pension will be payable.

Textile Products Description.—No. 16 was passed for the protection of the wool grower. Manufacturers of synthetic fibre are, and will in the future, be competing more and more with the wool grower; and the object of this Act is to ensure that fabrics made of fibre other than wool will not be passed off as being wool. The Act requires that all textile fabrics must be labelled so as to show their true fibre content; and the words " woollen," " all wool " or " pure wool " will not be used to describe any textile products unless they contain at least 95 per cent. of virgin wool. The effect of the Act will be that the buyer will at least be able to ascertain what he really is buying.

Weights and Measures.—No. 39 provides that on application for a licence or renewal of a licence for a weighbridge or a petrol pump, the Warden of Standards may accept the licence fee if he is satisfied that the weighbridge or petrol pump is fit for use, although it has not been tested. The weighbridge or petrol pump will then be deemed to be licensed until it is tested by an inspector.

Where a weighbridge was previously licensed but is now unlicensed because of some defect, the Act provides that the weighbridge may be used if the buyer and seller of goods agree to its use. The owner of the weighbridge must not be a party to the sale; a notice must be displayed stating that the weighbridge is unlicensed and not necessarily accurate, and a weight note giving this information must be given to both the buyer and the seller. The owner of the weighbridge must give notice to the Warden of Standards before the weighbridge is used in this manner.

Whyalla Town Commission.—No. 32 meets the need for local government at Whyalla (a newly developed iron-smelting and ship-building centre at the north of Spencer Gulf). Municipal works and services at Whyalla were previously provided by the Broken Hill Proprietary Company without any special powers of local government. To meet the circumstances of Whyalla, the Act provides for the establishment of a Town Commission consisting of three Commissioners elected by the ratepayers and three nominated by the Broken Hill Company, with an independent chairman. The Commission will have substantially all the powers of a municipal council in Whyalla. To assist the Commission in its first stages the Broken Hill Company will pay £30,000 as rates in the first five years, and also undertakes to expend an additional sum of money, estimated at £50,000, to put the roads and streets in order so that the initial expense of local government will not fall too heavily upon the ratepayers.

A feature of the new arrangements is that the chairman of the Commission will be both the mayor of the town and the principal Executive Officer or Town Clerk of the Commission.

The Act contains a provision by which the arrangements set out in it may be reviewed at the request of the ratepayers at the end of five years.

Workmen's Compensation.—No. 33 increases the benefits under the Workmen's Compensation Act. Firstly, the compensation payable to the estate of a workman who dies without dependents is increased. Formerly, the compensation was the reasonable expenses of medical attendance and burial, not exceeding £20 in all. Under the Act the compensation will be medical expenses up to £25 and burial expenses up to £20. The Act also provides that every injured workman will be entitled to receive a sum not exceeding £25 to cover expenses incurred by him as a result of his accident for ambulance transport, medical practitioner's fees, nursing fees, hospital fees and chemist's bills.

The Act also establishes a special panel of medical referees to hear appeals from the Port Pirie Medical Board, in cases of lead poisoning and other industrial diseases contracted in the Broken Hill Associated Smelters at Port Pirie.

5. TASMANIA

[It is hoped to publish the review in the next issue.]

6. VICTORIA

[*Contributed by* S. H. Z. WOINARSKI, ESQ.]

SIXTY Acts were passed in 1944 in the second session of the Thirty-fifth Parliament of the State of Victoria (Nos. 4999–5058). The majority of the Acts are of merely local interest; of the balance some evidence the tendency of modern legislation to establish or continue professional controls, some aim at the protection of particular industries under the guise of prescribing standards therefor, and others are coloured by that roseate hue emitted, strangely enough, by blue prints which the votaries of organized planning put forth as a unique contribution towards a millennium, but which students of history can point to as the aftermath which is the invariable concomitant of world-wars or major political cataclysms. Eleven Acts are dealt with below.

Police Offences.—No. 5001 is an amending Act which declares baccarat, dinahminah and skill-ball and any game similar to any of those games to be unlawful games.

Justices.—No. 5004 comprises a number of miscellaneous amendments to the Justices Acts with consequential amendments. It relates to the administration of law proper, and by its main provisions:—

(*a*) Prohibits the assignment of persons as justices of the peace after they have attained the age of 65 years, but without affecting persons who become justices by virtue of holding certain other offices;

(*b*) Limits the number of justices who may constitute a court of petty sessions to five;

(*c*) Extends the jurisdiction of a court of petty sessions in cases of illegal detention of goods so as to cover cases of goods so detained anywhere in Victoria;

(*d*) Authorizes a police magistrate upon the application of a defendant convicted in any court of petty sessions to allow time for payment or to direct the payment by instalments of any sum (including costs) adjudged to be paid by the court;

(*e*) Authorizes an appeal to general sessions against any summary conviction for larceny or unlawful possession irrespective of the amount of the fine imposed;

(*f*) Establishes a simplified procedure with respect to oral examination of debtors; and lastly

(*g*) Provides for including in a recognizance of bail taken upon a committal for trial a provision under which a surety consents to the respital of the recognizance without his further consent upon any adjournment or postponement of the trial, and makes a corresponding amendment in the Crimes Act allowing of the respital of such a recognizance in the absence of the surety.

Goods (Textile Products).—No. 5012 relating to Trade Descriptions of Textile Products, to give it its formal title, prohibits the sale or offering for sale of certain goods unless there is applied thereto a trade description with certain particulars printed on or woven into or attached to goods. The goods in question are materials manufactured from fibre, articles of wearing apparel manufactured from such materials, blankets, rugs, tops and yarns; and the particulars required relate to the proportion by weight of the respective fibres of which goods are composed. Where goods contain at least 95 per cent. by weight of virgin wool they may be described as "all wool" or "pure wool." The Act also prohibits the use in trade descriptions of such expressions as "artificial wool," "imitation wool" and "synthetic wool." Cynicism may well lead to the conclusion that the purpose of the Act is not so much to attain to truth in trade description as to induce a prejudice against the sale of goods likely to compete with the staple industry of wool. The Act also contains the provision obnoxious to common lawyers, but beloved of administration, that the onus of proof that the required particulars are not false shall in all cases be on the defendant, and a further parallel provision that in any prosecution for contravening or failing to comply with any of the provisions, if the defendant proves that the goods with respect to which the offence was committed were manufactured in or imported into Victoria before the commencement of the Act and that such goods were held by him bona fide and without any fraudulent intention he shall be discharged from the prosecution but shall be liable to pay the costs incurred on behalf of the prosecution unless he has given due notice to the informant that he will rely on such defence.

Masseurs.—No. 5013 empowers the Masseurs Registration Board to conduct a course of training in massage and to receive fees therefor. For that purpose the Board is authorized to appoint lecturers and demonstrators, and with the consent of the Governor in Council to fix by regulation the preliminary qualifications necessary for admission to the course. The Act also prohibits the use of certain appliances and methods for the application of light, heat and electricity to the human body for the purpose of curing or alleviating any abnormal condition thereof by any persons other than medical practitioners and their supervised assistants, registered dentists and registered masseurs. The appliances in question are a short wave therapy machine, a diathermy electric machine, an ultra-violet light machine, and an infra-red heat machine, and the methods faradism and galvanism.

Water.—No. 5017, which is of considerable significance, contains a number of miscellaneous amendments to the Water Acts. Among the most important of its provisions is one which alters the law with respect to payment of capitalized depreciation by a subdivider of land in any irrigation and water supply district or drainage district by empowering the Water Commission to charge such subdivider only that part of the capitalized depreciation of the works to be provided as will not be met by increased revenue from those works. Another significant provision allows of the rearrangement by the Commission of the lands in waterworks districts and irrigation and water supply districts (except in urban districts) into not more than four divisions including a "fourth division" of lands upon which no rates will be payable, and for the transfer to the State of a portion of the capital liability of any such district when its revenue is reduced by reason of such rearrangement. In line with this, another provision enables the Governor in Council to transfer to the State certain arrears of interest and maintenance losses formerly debited to certain classes of districts and to adjust further the liability of such districts under the jurisdiction of the Commission by transferring to the State a portion of the liability for the works serving such districts. An important provision is that which authorizes the Governor in Council upon the recommendation of the Minister to make an order empowering an owner of land in an irrigation and water supply district or waterworks district who desires to obtain a supply of water from a channel of the Commission over the land of another person, but who has not been able to obtain an easement for that purpose by agreement, to acquire compulsorily such an easement over a specified portion of the other person's land in the manner provided in and subject to the assessment of compensation under the existing law relating to the compulsory acquisition of land by the Crown. Machinery for the making of such an order is set out in the Act, which is completed by minor amendments to the internal administrative powers of water authorities.

Trustee Companies.—No. 5022 confers on trustee companies certain powers formerly exercisable only by the Public Trustee. These powers, five in number, are as follows:—

(*i*) Upon publication by the Governor in Council of a notice in that behalf, to pay or deliver moneys or chattels payable or deliverable to a subject of a foreign country to the chief consular officer for that country in Victoria;

(*ii*) To pay the distributive share or shares of a child or children in an intestate estate not exceeding £100 in value to the widow or other person having the care of the child or children;

(*iii*) To distribute assets in a deceased's estate without regard to the claims of persons claiming to be creditors whom the Company has notified of its refusal to recognize their claims either in whole or in part and who have not instituted proceedings to enforce their claims within three months after receipt of such notice;

(*iv*) Subject to the publication of certain advertisements, to distribute assets in a deceased's estate without regard to the possible claims of persons who are known to the Company to be entitled to legacies or shares if they have survived the testator or intestate, but who have not claimed within three years of the grant of probate or of administration. (This provision is expressed not to prejudice the right of any person to follow the assets or any part thereof into the hands of the person or persons who have received the same); and

(*v*) A power to use a short form of notice by advertisement of intention to distribute assets in a deceased's estate.

Country Fire Authority.—No. 5040 provides for the constitution of a country fire authority, consisting of ten members appointed by the Governor in Council, to supersede two existing similar bodies, the Country Fire Brigades Board and the Bush Fire Brigades Committee. The function of this new authority is the control of the prevention and suppression of fire in the country area of Victoria, and for this purpose the country area of Victoria is divided into fire control regions, which in turn are subdivided into urban and rural fire districts. Powers conferred upon the Authority include powers to acquire necessary property for its purposes and to take measures for the foundation, registration, amalgamation and training of brigades. No fire brigade may operate in the country area of Victoria unless registered by the Authority. A large number of necessary financial provisions is included in the Act, and of administrative provisions, and the Act also contains a number of provisions for the prevention of fires. Among these latter provisions the following are of importance:—

During a summer period to be proclaimed, the burning of grass or scrub and of charcoal is prohibited unless an appropriate permit is obtained, and in rural districts the lighting of fires in the open air is regulated. On days when a warning of fire danger is broadcast, the lighting of fires in the open air and the use of gas producer equipment are absolutely prohibited. The owner or occupier of land may be directed to remove from such land at his own expense any grass or scrub which is likely to constitute a fire danger, or to clear fire breaks for the protection of neighbouring properties. In relation to the suppression of fire the Act prescribes the powers and duties of officers of fire brigades, the police, turncocks of water supply authorities and of gas and electricity supply authorities. An immunity against action for damages is given to the officers of the authority and of brigades in the exercise of their powers and the performance of their duties without negligence or wilful default, and officers issuing permits or directions for burning off purposes are similarly protected if they act in good faith.

Town and Country Planning.—No. 5043 provides, as its title indicates, for the planning of the development of town and country areas with respect to streets and roads, buildings, areas for residential, shopping, factory and other purposes, sewerage, drainage, lighting and water supply and other services and amenities. For these objects it establishes a Town and Country Planning Board to consist of three members appointed by the Governor in Council to advise generally upon such planning and, when required by the Minister, to prepare a planning scheme for any specified area. In its broad outlines the Act provides that the Council of any municipality or the councils of several municipalities jointly may prepare a planning scheme or a joint planning scheme for any area within its municipal district or their municipal districts, and that the Minister may require any such council or councils to prepare such a scheme or joint scheme and that, in default of such preparation, the Minister may require the Board to prepare a scheme. Before a scheme is submitted to the Governor in Council for approval it is to be advertised and made available for inspection, and an opportunity is to be given to persons affected to place their objections before the responsible authority preparing the scheme. After adoption by the responsible authority the scheme is to be submitted to the Minister and except where the Board itself has prepared the scheme, a report thereon is to be obtained from the Board. A planning scheme is to become operative only upon its approval by the Governor in Council and due publication of that approval. Every scheme is to be laid before Parliament and may be revoked by resolution of either House. A scheme may also be revoked by a subsequent scheme approved under the Act, and in certain special circumstances by the Governor in Council. A planning scheme may provide for the suspension of by-laws or regulations in the area to which it relates, and may include the levying of a betterment rate. The duty of the enforcement of a planning scheme is to rest with the municipality or each of the municipalities in whose district or districts lies the area affected by the scheme. Consequential provisions and amendments and repeals of existing statutory provisions complete the Act.

Public Library, National Gallery and Museums.—No. 5053 dissolves the body politic and corporate known as the Trustees of the Public Library, Museums and National Gallery of Victoria and replaces that body with four bodies of trustees who are authorized severally to control the Public Library of Victoria, the National Gallery of Victoria, the National Museums of Victoria and the land and buildings in or on which the Library, Gallery and Museums are established. It thus decentralizes the control hitherto existing over those State instruments of learning and culture and represents a centrifugal movement towards establishing multifarious bodies with limited functions rather than single bodies with multifarious functions. The Act, of course, contains ancillary provisions necessary to effect its purpose, and in particular one relating to the taking effect of certain wills or other instruments under which bequests or trusts were made in favour of the body of trustees dissolved by the Act.

Drought Relief.—No. 5054 is notable for its paternal policy. It authorizes the raising by the State of a sum of money for drought relief. It is limited to the alleviation of hardship suffered by cereal farmers in consequence of the State-wide drought during the year 1944. Financial machinery is prescribed for the establishment of a special account in the Treasury and for payments thereout. No grant, however, may be made to a farmer unless he satisfies the appropriate authority that he intends to carry on his normal farming operations during 1945. For the purpose of the Act, it should be mentioned, "cereal farmer" means a person concerned in the production of a crop of wheat, oats or barley, or wheaten or oaten hay.

Co-operative Housing Societies.—No. 5055, which provides for the formation, registration and management of co-operative housing societies, is an original piece of legislation so far as Victoria is concerned, although in substance the Act owes much to a similar New South Wales enactment. A co-operative housing society under the Act is a society which is founded to enable its members to erect homes, in which all shares are of the same class and rank equally, and which it is intended to terminate when its objects are attained. The Act is a long and detailed piece of legislation, running to eighty-four sections, divided into six Parts, sub-divided into divisions, but in outline its main provisions are as follows:—

Under Part I no co-operative housing society may carry on business unless registered under the Act, but it is not required to be registered or incorporated under the Building Societies Act or the Companies Acts. Such a society may be formed for the objects of:—

(*a*) Enabling its members to purchase land and erect homes thereon or to erect homes on land already owned by them; and

(*b*) For those purposes to make advances to its members upon the securities of freehold property, and raise money on loan for the effectuation of those objects.

Part II deals with the incorporation of societies. A society may be formed under the Act by not less than forty eligible persons at a meeting at which the proposed rules are adopted and applications for membership made. A society may be registered by the registrar with the approval of the Treasurer if its rules are in accordance with the Act and the regulations and the registrar is satisfied that it has a reasonable prospect of successful operation. Every society is to be a body corporate and the liability of the members is limited to the nominal amount of the share capital for which they subscribe. Share capital is to be paid by instalments as specified in the society's rules and the amount which a member may be advanced by the society is determined by the nominal value of the shares held by him. Societies are authorized with the approval of the registrar to borrow money charged upon the undertaking, assets and rights of the society. A loan to a society, if guaranteed by the Treasurer, is made a proper investment for funds held by a bank, friendly society or other approved body unless specially prohibited by any trust. Societies may not lend money to anyone other than their members, nor can any advance be made to a member except to enable him to purchase land and erect a house thereon, or to erect a house on land already owned by him. Advances are to be secured by first mortgage.

Part III deals with the rules and management of societies. Under this Part provision is made for the prescribing by regulation of model rules for a society which may be adopted by any society. Societies are to be managed by a board of directors elected from among the members of the society, and provision is made for the control of the activities of directors, and in certain circumstances for their removal from office after enquiry.

Part IV is concerned with matters of administration. In addition to providing for the appointment of a registrar and other persons employed in the register, the Act provides for the constitution of a Co-operative Housing Advisory Committee of three members, consisting of the registrar, a Treasury officer and a person appointed by the Governor in Council, for the purpose of making recommendations to the Treasurer with respect to regulations and model rules and the forming of societies by guarantee and indemnity.

Under Part V the matter of Government guarantees and indemnities is dealt with. The Treasurer with the approval of the Governor in Council is authorized to guarantee the repayment of any loan made by any bank, friendly society or approved body to a society, but so that the aggregate amount covered by such guarantees shall not exceed £5,000,000. In cases of advances by societies to individual members, the Treasurer, again with the approval of the Governor in Council, is authorized to indemnify the society against any loss which may be sustained by the society by reason of making an advance exceeding 80 per cent., but not exceeding 90 per cent., of the security offered. The aggregate liability under such contracts of indemnity is not to exceed £500,000.

Part VI deals with a number of miscellaneous and ancillary matters. Amongst these are provisions relating to the names by which societies may be registered, the exemption of societies from stamp duty on bills of exchange, receipts, etc., the keeping and inspection of registers and accounts, the prohibition of the sale of land and the erection of houses by directors for members, the liability of members and part members upon a winding up, the imposition of penalties for offences against the Act by societies, directors and officers, and the making of the necessary regulations for the purposes of the Act.

7. WESTERN AUSTRALIA

[*Contributed by* J. L. WALKER, ESQ., *Solicitor General.*]

1941-1942

DURING this period fifty-six public Acts were passed.

Abattoirs.—No. 8 of 1941 amends s. 6 of the Abattoirs Act, 1909–1931 so as to include new matters in relation to which the power to make regulations may be exercised. Such new matters are (*i*) prohibiting the slaughter in any district of all or any kind of stock, except at an abattoir or at a place within the district licensed for the slaughter of such stock by the Minister; (*ii*) the granting by the Minister of licences in respect of places, other than abattoirs, authorizing the slaughter at such places of stock; (*iii*) the grading and branding of carcasses of stock, after slaughter, to indicate the quality of the meat contained in such carcasses.

Administration.—No. 52 of 1941 and No. 55 of 1941 both amend the Administration Act, 1903–1939. No. 52 amends s. 98 and inserts thereafter a new s. 98A, which makes provision for special reduction in the rate of the duties payable in respect of estates or beneficial interests passing from a deceased person when such person died on active service outside Australia as a member of the naval, military or air forces of His Majesty or of the Commonwealth when such forces are engaged in any war.

No. 55 makes minor amendments in s. 26 of the Act which requires the execution of an administration bond by an administrator. It inserts after s. 27 a new s. 27A.

Under the new s. 27A, where a person dies leaving property not exceeding £1,000 in value and administration is granted to the husband or widow of the deceased, sureties to the administration bond required under s. 26 will not be required; and in any case where the claim of a creditor of the deceased or any portion of such claim is secured by a mortgage of real estate of the deceased, no surety will be required to the administration bond on an amount exceeding a sum representing the difference between the amount of the gross value of the property of the deceased and the amount of the claim which such mortgage secures.

An amendment to s. 28 of the Act empowers the Court to order that the liability of any surety to any administration bond shall be reduced to an amount to be fixed by the Court.

An amendment to s. 53 of the Act (which empowers the Court to appoint as district agents for the purpose of receiving applications for probate or administration any persons in any town beyond 30 miles from Perth where a Local Court is held) provides that the Magistrate of every Local Court held at a town beyond 50 miles from Perth shall *ex officio* be and act as a district agent for receiving applications for probate or administration.

A minor amendment is made to s. 54 and a new s. 57A is inserted in the Act after s. 57. This new section gives to the Master of the Court jurisdiction to deal with applications for probate or administration received through district agents in the case of deceased persons who resided more than 50 miles from Perth and whose estate does not exceed £1,000 in value.

Child Welfare.—No. 56 of 1941 amends the Child Welfare Act, 1907–1927. An amendment in s. 4 of the principal Act of the definition of "Ward" enlarges the ambit of that definition.

S. 20 of the principal Act, which states the powers of the Children's Court, is amended by adding two new paragraphs thereto which confer additional powers on the Court. Under the new paragraph (*d*) the Court shall exercise the powers of a Court of summary jurisdiction under s. 8 of the Guardianship of Infants Acts, 1920 and 1926, but directs that such jurisdiction shall be exercised by the Special Magistrate sitting alone. Under the new paragraph (*e*) the Court may make recommendations concerning any child appearing before the Court on a charge of delinquency or of being a neglected or destitute child or an uncontrollable or incorrigible child, and any such recommendation must not be departed from without the consent of the Minister.

S. 26 of the principal Act, which empowers the Court to refrain from imposing punishment or fine upon a child, is amended by adding at the end of the section a provision that notwithstanding that the Court may exercise the discretion permitted by the section, the Court may order the child concerned to be subject to the supervision of the Child Welfare Department until he reaches the age of 18 years or during any shorter period as the Court thinks fit.

A minor amendment to s. 29 enlarges the operation of that section by extending the power of arrest to incorrigible or uncontrollable children.

S. 32, which makes provision as to the manner in which the Court may deal with an uncontrollable or incorrigible child, is amended by deleting therefrom the provisions which empowered the Court to order the whipping of a male child of 16 years of age, and to require a near relative to give security for payment of maintenance by a near relative ordered to pay such maintenance.

S. 38 of the principal Act, which makes provision for the re-arrest of a child who whilst undergoing detention in an institution is released therefrom on probation, is repealed and a new section is inserted in its place. The new section makes provision for the re-arrest of a child released on probation as aforesaid in new circumstances which were not provided for in the original section.

S. 77 is amended by adding thereto a provision that failure to comply with any direction or order under s. 77 which provides for delivery of attached property, shall be guilty of an offence punishable by a fine.

S. 78 of the principal Act is repealed and a new section is inserted in its place. The original section merely empowered the Court to require a person against whom a maintenance order has been made to provide security for due compliance by him with such order. The new section in addition to continuing that power also empowers the Court to summon such person before it or to issue a warrant for arrest and to punish him for any default in compliance with the order.

S. 79 is repealed and a new section is inserted in its place. The original section empowered the Court to increase the amount of a maintenance order if the improved financial condition of the person liable under such order warranted such an increase. The new section empowers the Court in accordance with changes in the financial condition of the person liable to vary a maintenance order either by increasing or reducing the amount payable thereunder or to discharge the order altogether.

A new section is inserted in the principal Act after s. 80 to stand as s. 80A. The new section empowers the Court to forfeit any security, bond or recognizance to the Child Welfare Department or the Complainant or any other person whom the Court may adjudge to be entitled to the amount or portion of the amount of such security, bond or recognizance, when the terms or conditions of the same have not been complied with.

S. 124 of the principal Act is repealed and a new section is inserted in its place. The original section provided that the fact that a child has been committed to an institution or has been convicted of an offence should not be maliciously disclosed to any person or admitted as evidence in any court of law. The new section requires that there shall not be any such disclosure in any circumstances except with the consent of the Minister, and provides that such committal or conviction shall be admissible as evidence in a Children's Court but not in any other Court.

S. 128 of the principal Act which provided a penalty for persons disobeying orders made by the Court under the Act or attempting to leave the State without making arrangements for compliance with such orders is repealed.

S. 147A is amended by inserting therein a new sub-section. This section deals with the case of a person liable to arrest under Part V and Part IX of the Act who is arrested at a distance of more than 20 miles from the Court which has caused the warrant to issue. The person arrested may with the consent of the Secretary of the Child Welfare Department be brought before the Children's Court nearest to the place of arrest. The new sub-section provides that where the members of the Children's Court nearest to the place of arrest are not available, or the arrest is made in a part of the State for which no Children's Court has been proclaimed, the person arrested may be brought before the nearest Court of Petty Sessions and be dealt with by such Court as if it were a Children's Court.

Death Duties.—No. 53 of 1941 amends the Death Duties (Taxing) Act, 1934–1939 by adding provisos to the First, Second and Third Schedules to such Act. In every case the object and purpose of the proviso is to prescribe special reductions in the rates of death duties in relation to estates and beneficial interests passing to certain persons from a deceased person who died on active service whilst a member of the Commonwealth Defence Forces engaged in war outside of Australia.

Distress for Rent Abolition.—No. 15 of 1941, amends the Distress for Rent Abolition Act, 1926, by substituting in s. 6 thereof seven days' notice for two days' notice in relation to the notice of termination of a lease or tenancy which under that section a landlord or lessor may in specified circumstances give to his tenant or lessee.

Financial Emergency.—No. 24 of 1941 merely provides for the continuance for another year of the operation of the Financial Emergency Act, 1934, in its present amended form, which preserves the reduction in rates of mortgage interest provided for in that Act in respect of mortgages existing when the principal Act came into operation.

Fire Brigades.—No. 31 of 1941 amends s. 41 of the Fire Brigades Act, 1916–1925 by deleting sub-section (2) thereof and inserting a new sub-section in its place. The new sub-section varies the proportions in which money for the working expenses of the Fire Brigades Board shall be found by the prescribed contributories, so that henceforth the Treasurer of the State shall contribute two-ninths, the local authorities liable shall contribute two-ninths, and the insurance companies liable shall contribute five-ninths of such money. It is also provided that in estimating the amount of such working expenses annually, moneys expended or proposed to be expended in relation to or arising either directly or indirectly from war or warlike operations shall not be taken into account.

In 1942 the Fire Brigades Act, 1916–1925, was repealed and a new consolidating and amending Act, the Fire Brigades Act, 1942, was passed in its place.

Fruit Growing Industry.—No. 47 of 1941 is a new Act to authorize the establishment of a Trust Fund in relation to the Fruit Growing Industry, to provide for the administration of such fund, and the application of the moneys from time to time in such fund and for other purposes incidental thereto. It is cited shortly as the Fruit Growing Industry (Trust Fund) Act, 1941, and subject to the Minister of Agriculture is administered by the Under Secretary for Agriculture.

A Committee to be called The Fruit Growing Industry Trust Fund Committee is established as a body corporate, and consists of three members to be appointed by the Governor in Council. Two of such members are persons who have been nominated by the Western Australian Fruit Growers' Association Incorporated and one is a person representing the Department of Agriculture and is the Chairman of the Committee. The members cannot hold office for a longer period than three years, but shall be eligible for re-appointment.

A fund to be called the Fruit Growing Industry Trust Fund is established and will be administered by the said Committee. This fund will consist of: (*a*) Contributions made to the fund under the Act by growers of those classes of fruit to which the Act applies; (*b*) Moneys (if any) appropriated by Parliament; (*c*) Penalties imposed upon convictions of offences against the Act. Any of such moneys if not immediately required for the purposes of the Act may be invested by the Committee in any investments authorized by law for the investment of Trust funds.

In s. 3 of the Act "**Fruit**" is defined as meaning apples, pears and any other fruit which the Governor in Council may from time to time by regulation declare to be "fruit" for the purposes of the Act.

Under s. 17 every grower of fruit must in every year contribute to the fund in relation to the fruit produced by him for sale in that year and the contributions are payable to the said Committee.

While the National Security (Apple and Pear) Regulations of the Commonwealth of Australia are in operation and apples and pears produced by growers are under the disposition of the Australian Apple and Pear Marketing Board, the amount of the contribution to be paid by growers shall be assessed in relation to the amount of money payable to the grower by the Commonwealth through the said Board.

After the said regulations cease to operate the amount of the contribution to be paid by growers will be assessed in relation to the amount of money payable to the grower by the dealer who has obtained or received apples or pears or other fruit from the grower for sale or export.

The rate of the contribution to be made by growers shall be such rate as shall be declared from time to time by the Minister on the recommendation of the Committee.

A proviso to the sub-section which contains this provision imposes limits in respect of the amount of the rate which may be declared and empowers the Minister to exempt growers temporarily from liability to contribute whenever the Committee is satisfied that moneys already in the fund are sufficient for the purposes of the Act.

The Act also contains provisions enabling the Committee to call for returns by growers and dealers, and for the enforcement of payment of contributions by growers.

Under s. 18 the moneys in the fund are in the first instance charged with the payment of (*a*) the costs of the administration of the Act; (*b*) the fees and allowances of the members of the Committee.

After payment of those expenses, but subject in every case to the approval in writing of the Minister, the moneys in the fund may be used for all or any of the following purposes: (*i*) the payment of the whole or portion of the costs and expenses of measures taken to prevent or eradicate pests and diseases affecting fruit trees and fruit; (*ii*) the payment of compensation to growers in respect of the whole or portion of losses suffered by them as the result of measures taken to prevent or eradicate the pests and diseases aforesaid; (*iii*) the payment of the costs of the promotion and encouragement of scientific research for the improvement of fruit crops and of the transport of such crops; (*iv*) the provision of financial help for the Western Australian Fruit Growers' Association Incorporated and its branches in the carrying out of its activities for the benefit of growers but so that such financial help shall only be granted when recommended by the Committee and approved by the Minister; (*v*) any other purposes which in the opinion of the Minister will promote and encourage the fruit growing industry.

The Committee must keep proper accounts and records, prepare annually a balance sheet and certain financial statements and furnish once at least in every year a report of its transactions to the Minister.

Government Stock Saleyards.—No. 15 of 1941 is a new Act relating to the establishment, control and management of stock saleyards owned and conducted by the Crown and is cited shortly as the Government Stock Saleyards Act, 1941. Subject to a Minister the Act will be administered by a Controller who is appointed by the Governor in Council. S. 6 validates the establishment of stock saleyards which had already been established prior to the passing of the Act, and authorizes the Minister with the approval of the Governor in Council to establish saleyards as adjuncts of or in connection with abattoirs established and conducted as Government abattoirs under the Abattoirs Act, 1909–1931.

Stock saleyards will be managed and conducted under and in accordance with regulations to be made by the Governor in Council.

S. 10 empowers the Governor by regulation to prohibit the sale of stock or of any specified kind of stock within the Metropolitan or the Goldfields Abattoirs districts in any saleyard other than a saleyard to which this Act applies.

Income Tax.—No. 13 of 1941 fixed the various rates of income tax for the year commencing on July 1, 1941.

Increase of Rent (War Restrictions).—No. 48 of 1941 amended the Increase of Rent (War Restrictions) Act, 1939. S. 5 is amended by deleting paragraph (*b*) from sub-section (2). That paragraph gave a right of action to a tenant or lessee for recovery of any bonus, fine or premium on granting the tenancy or lease which had been demanded by the landlord or lessor contrary to paragraph (*a*) of the said sub-section (2).

Two new sections are inserted after s. 12 in the principal Act as ss. 12A and 12B. The new section 12A provides for recovery of sums paid in excess of the standard or fair rent and takes the place of paragraph (*b*) of sub-section (2) of s. 5 which has been repealed.

The new s. 12B creates certain new offences, prescribes the penalties, and lays down the procedure for the recovery thereof.

Industrial Arbitration.—No. 49 of 1941 amends the Industrial Arbitration Act, 1912–1935. S. 26 is amended by inserting therein words which impose on every industrial union a duty to have its accounts audited once in every year by a qualified public accountant.

S. 63 is amended by inserting therein words enabling the provisions of that section, which empowers the Court to endeavour to effect a conciliation in respect of a dispute, to be invoked and put in operation at any time after an industrial dispute has been referred to the Court by any party. Previously such conciliation could only be attempted in the course of the hearing, investigation or inquiry into an industrial dispute.

S. 69 is amended by adding thereto two new paragraphs (xv) and (xvi) which give additional powers to the Court in relation to disputes and other matters. The new paragraph (xv) empowers the Court to consolidate or divide references and other matters before the Court. The new paragraph (xvi) empowers the Court generally to give all such directions and do all such things as it deems necessary or expedient in relation to disputes and other matters before the Court.

S. 87, which provides for the appointment of boards of reference by the Court and prescribes the matters which may be referred to and dealt with by such boards, is amended so as to make the section cover industrial agreements as well as awards, and by adding thereto a sub-section (2) which provides for an appeal to the Court from any decision or finding of a board of reference.

S. 88 is amended in a minor way so as to make its provisions operative whilst an award is in force instead of during the term of such award. This amendment is by way of a clarification of the position where an award remains in force after the expiration of the express terms thereof.

S. 90, which relates to the currency and review of awards of the Court, is amended by some minor amendments and by the addition of a further proviso which empowers the Court when delivering an award or amendment to an award to reserve liberty to apply to any party to the award to amend an award, subject to conditions which the Court may impose when granting leave to apply to amend the award.

S. 94, which provides that in all legal and other proceedings the production of an award with the seal of the Court affixed thereto, or a copy thereof certified as true by the Clerk of Court, shall be sufficient evidence as to the making of the award, is amended by the insertion of words which empower the Registrar as well as the Clerk of the Court to certify a copy of an award as true for purposes of evidence.

S. 105, which requires references to the Court by a Union to be first approved by such Union, is amended by adding thereto a new sub-section (5) which provides that the provisions of this section shall not apply to any counter proposals or counter claims made by the party or parties respondent to the dispute.

S. 127, which relates to registration of agreements of apprenticeship, is amended by the substitution of certain words in the various sub-sections thereof the effect of which are to make the Industrial Registrar the registering officer in place of the Clerk of the Court.

S. 164, which provides for the publication of awards, etc., in the *Government Gazette,* is amended by the addition to sub-section (1) of words which require that awards shall in addition to being published in the *Government Gazette* also be published in the *Western Australian Industrial Gazette.* This section is further amended by substituting a new sub-section (2) for the original sub-section (2) and by adding to the section a new sub-section (3). The new sub-section (2) provides that the production of the *Government Gazette* or the *Western Australian Industrial Gazette* shall be admissible as evidence to prove the existence of an award or industrial agreement or other matter.

The new sub-section (3) makes admissible in evidence the Statistical Register compiled by the Government Statistician when it contains any statistical information relevant to the consideration of any matter before the Court.

A new section is inserted in the Act after s. 174, to stand as s. 174A. This new section prohibits and makes it an offence for any person to obtain premiums or to give premiums in respect of employment.

A proviso to sub-section (1) provides that such prohibition does not apply to an employment broker receiving a commission when acting in the ordinary course of his business under the Employment Brokers Act, 1909–1918.

A second schedule is added to this Act. This new schedule sets forth the various matters the publication whereof is authorized or required to be made in the *Western Australian Industrial Gazette*.

Industries Assistance Act Continuance.—No. 41 of 1941 merely provides for the continuance of the operation of s. 15 of the Industries Assistance Act Amendment Act, 1917, for another year.

Inspection of Machinery Act Amendment.—No. 17 of 1941 amends the Inspection of Machinery Act, 1921. S. 4, which excludes certain boilers and machinery from the operation of the Act, is amended by deleting paragraph (7) and inserting a new paragraph in its place.

Under the original paragraph machinery driven by an oil or petrol engine not exceeding six horse power and which is used exclusively by an agriculturist, pastoralist or pearler in pursuit of his calling as such was excluded from the operation of the Act. Under the new paragraph (7) the machinery so excluded is that which is driven by an internal combustion engine or by electricity and which is used exclusively by an agriculturist, pastoralist, dairy-farmer, market gardener, orchardist or pearler in pursuit of his calling as such and upon which no labour other than that of the owner is employed.

S. 53, which makes provision for engine drivers, boiler attendants and others qualifying for and holding certain certificates, before they can lawfully take charge of machinery, is amended in two minor respects mainly to make it clear that the section covers winding engines and internal combustion engines.

The Second Schedule to the Act, which specifies the kinds of machinery to which the Act does apply, is amended by deleting from the schedule qualifying words which limited its scope.

Land Drainage Act.—No. 43 of 1941 amends the Land Drainage Act, 1925. S. 6 (Interpretation) is amended by omitting the original definition of " Financial Year " which meant the financial year ending on June 30, and inserting in its place a new definition by which " Financial Year " in relation to the rating and financial transactions of a drainage board means the financial year as prescribed from time to time by by-law made by such drainage board.

S. 9, which confers on the Minister the powers of a drainage board in certain circumstances, is amended by inserting therein a new sub-section after sub-section (3), which deals with certain drains constructed by the Government at times and in circumstances which resulted in such drains being outside the scope of the operation of the Act and brings them within the Act.

S. 60, which deals with the construction and maintenance of drainage works, is amended by inserting certain words in sub-section (2). Under that sub-section certain preliminary measures must be taken before the construction of works is commenced. The effect of the amendment is to render those preliminary measures unnecessary when the proposed works will involve an estimated cost not exceeding £500 and the Governor expressly exempts them from the operation of this section.

S. 91, which provides for rates being made for the financial year, is amended consequentially to bring it into line with the amendment of the definition of " financial year " in s. 6, also a sub-section (2) is added to the section to enable a rate to be made for a part of a year only when such becomes necessary by reason of the period to constitute the financial year of a board being changed.

Law Reform (Miscellaneous Provisions).—No. 29 of 1941 is a new Act to amend the law relating to the liabilities of husbands and to amend the law relating to proceedings against and contributions between *tort feasors*, and to amend the law as to the effect of death in relation to causes of action, and to amend the Law of Property known as the rule against perpetuities, and will be cited shortly as the Law Reform (Miscellaneous Provisions) Act, 1941.

S. 2 provides for the abolition of a husband's liability for his wife's torts.

S. 3 provides for proceedings against and contribution between joint and several *tort feasors.*

S. 4 enacts subject to certain provisions thereof that causes of action subsisting against or vested in a person at the time of his death shall survive against or for the benefit of his estate as the case may be. This section, however, will not apply to causes of action for defamation or seduction or for inducing one spouse to leave or remain apart from the other or to claims under the Supreme Court Act, 1935, for damages on the ground of adultery.

S. 5 deals with the rule against perpetuities and restricts the operation of the rule in connection with wills, settlements or other instruments by which either capital or income of property is vested or the ascertainment of a beneficiary or class of beneficiaries is made to depend on the attainment by the beneficiary or members of the class of an age exceeding 21 years in circumstances which but for this section would render any gift over, remainder, executory limitation or trust void for remoteness.

Legislative Assembly.—No. 51 of 1941 provides for the prolongation of the existence of the present Legislative Assembly and for the postponement of the general election for the Legislative Assembly to succeed the present Legislative Assembly and for other purposes incidental thereto.

This Act was a special war measure to prolong for twelve months the Legislative Assembly which ordinarily would have expired by effluxion of time in 1942 and to authorize the postponement for twelve months of the general election which ordinarily would have been held in 1942.

Legislative Council.—No. 50 of 1941 provides for the postponement of the general election of members of the Legislative Council to fill vacancies about to be caused by the retirement of certain members by effluxion of time. This Act was a special war measure to extend for twelve months the term of certain members of the Legislative Council who ordinarily would have retired by effluxion of time in 1942 and to authorize the postponement for twelve months of the election to elect their successors.

Licensing (Provisional Certificate).—No. 45 of 1941 is a special war time measure to extend the time for making applications under s. 62 of the Licensing Act, 1911–1939, in respect of provisional certificates granted by the Licensing Court during war time.

S. 3 provides that notwithstanding anything to the contrary contained in ss. 61 and 62 of the Licensing Act, 1911–1939, where since December 5, 1940, and prior to the commencement of this Act a provisional certificate has been granted under s. 61 aforesaid to any person, such person may, subject to the requirements of any Commonwealth law or regulation, make application under s. 62 aforesaid for a publican's general licence in pursuance of such provisional certificate at any sitting of the Licensing Court held during the period from the commencement of this Act to the end of the present war and twelve months thereafter, and extends the time prescribed by s. 62 accordingly.

Under s. 62 a provisional certificate remains in force for not more than 12 months. The extension of this period became necessary because due to the war emergency buildings proposed to be licensed pursuant to a provisional certificate could not be erected within the stipulated period of 12 months.

Lotteries.—No. 30 of 1941 merely extended for one year until the end of 1942 the duration of the Lotteries (Control) Act, 1932, under which authority is conferred for the holding of certain lotteries under Government control, and the holding of other lotteries is controlled.

Main Roads.—No. 34 of 1941 authorizes the payment of certain moneys to the consolidated revenue fund instead of to the Main Roads Contribution Trust

Account, and the payment of certain moneys to the Main Roads Contribution Trust Account from the Main Roads Trust Account. This Act affected the provisions of the Main Roads Act, 1930–1939, and the appropriation of moneys in certain funds established thereunder. Its purpose is to overcome certain technical obstacles against the utilization for State purposes of certain moneys paid annually by the Commonwealth of Australia to the State, and applied only in relation to the financial year commencing on July 1, 1941.

Members of Parliament Fund.—No. 54 of 1941 is a new Act which relates to the creation of a fund to provide for the payment of compensation to and to the dependents of members of either House of Parliament of Western Australia upon loss of membership. It applies to members both of the Legislative Council and the Legislative Assembly, and for the purposes of the Act " loss of membership " means the loss by a member of his seat in Parliament for any reason whatsoever, other than by reason of the Legislative Assembly being dissolved.

Under s. 4 a fund is established to be known as the " Members of Parliament Fund " which shall be kept at the Treasury and be administered by Trustees.

S. 5 provides that the Trustees of the Fund shall be the President of the Legislative Council, the Speaker of the Legislative Assembly and the Public Trustee *ex officio* and that the latter shall be Chairman.

S. 6 provides for the deduction from the Parliamentary allowance payable to a member a sum calculated at the rate of £24 per annum, and the payment of such sum into the said Fund.

S. 9 provides for a quinquennial investigation as to the state and sufficiency of the fund by the Government Actuary, who must report to the Trustees the result of his investigations and may make recommendations for the consideration of the Trustees. Any decision of the Trustees consequent upon any recommendation of the Government Actuary must be submitted to a joint meeting of members of both Houses of Parliament at which twenty-eight members shall form a quorum. That meeting will have power to adopt, alter or amend any decision of the Trustees aforesaid, and any resolution passed at any such meeting shall be given the force and effect of law by regulation made by the Governor on the recommendation of the Trustees.

Mental Treatment.—No. 6 of 1941 is a special war measure to facilitate the treatment of mental disorder arising from wounds, shock and other causes sustained by certain persons in the course of or occasioned by war service. The Act must be read in conjunction with the Lunacy Act, 1903–1920, and the Mental Treatment Act, 1927, and is cited shortly as the Mental Treatment (War Service Patients) Act, 1941.

By virtue of the definitions contained in s. 3 of the Act the operation of its provisions is not limited to the duration of the war but will revive whenever the Commonwealth of Australia is engaged in a war, and its provisions will apply to " war service patients."

S. 4 provides that notwithstanding the provisions of the Lunacy Act, 1903–1920, or of the Mental Treatment Act, 1927, but subject to regulations, it shall be lawful for any war service patient to be received for medical treatment into a hospital for the insane, reception house, or licensed house without any order or certificate under Part II of the Lunacy Act, 1903–1920, or into any hospital established or any reception house constituted under the Mental Treatment Act without any order of a Justice of the Peace under s. 4 of the last mentioned Act; and also for any person, whether for payment or not, if and so long as he complies with the conditions imposed by the regulations under the Act to receive, to board, or lodge, or to take charge of any war service patient.

This provision in relation to war service patients does away with the necessity of first obtaining an order of the Court or of a Justice of the Peace before a war service patient can be admitted to any of the institutions aforesaid.

Where a war service patient does not voluntarily seek admission to any of the said institutions, he cannot be admitted unless a request is made to the controlling body or person of the institution that he be received therein, by the principal medical officer of the branch of the defence forces of which he is a member, where the war service patient is still a member of the said forces, or by the senior medical officer of the Commonwealth Repatriation Department in Western Australia in the case of any other war service patient.

Even though such a request be made a war service patient cannot be received into an institution aforesaid against his wish, and if his reception into such institution is necessary the ordinary provisions of the Lunacy Act, 1903–1920, or of the Mental Treatment Act, 1927, must be invoked

Metropolitan Market.—No. 37 of 1941 amends the Metropolitan Market Act, 1926.

S. 12 of the principal Act which makes provision for the discontinuance of other markets in the Metropolitan Area upon the establishment of the Metropolitan Market under the principal Act, is amended by adding thereto new paragraphs (*c*) and (*d*) to sub-section (2) of the said section.

The new paragraph (*c*) enables the Metropolitan Market Trust by by-law to prohibit the sale in the Metropolitan Area of any prescribed produce, products or provisions in any market other than the market established under the principal Act or in market places provided with the approval of the Governor by the City of Perth under the Municipal Corporations Act, 1906–1939, for the sale of produce by retail, except with the consent of the said Trust.

The new paragraph (*d*) enables the said Trust by by-law to prohibit the sale wholesale in the Metropolitan Area of fruit and vegetables (except potatoes and onions), fish, poultry and eggs by agents elsewhere than in the market established under the principal Act.

Under that paragraph " Agent " means a person whose business either alone or as part of or in connection with any other business is to sell on behalf of producers or other persons any of the goods aforesaid on commission whether by auction or otherwise.

This paragraph, however, will not prevent a person not acting as agent for a producer from selling or exposing for sale in his own shop or warehouse any of the goods aforesaid.

The general purpose of these two paragraphs is to enlarge the ambit of the control by the Trust of sales of produce for the sale of which the Market has been established under the principal Act.

S. 12 of the principal Act is further amended by inserting therein after subsection (2) a new sub-section (2A) which makes it unlawful for a person other than the original owner to sell fish by wholesale whether by auction or otherwise, within the Metropolitan Area, unless the fish has been sold previously by auction in the market established under the principal Act.

The new sub-section contains definitions of the terms " fish " and " original owner " as used in the sub-section.

This sub-section is intended to control the sale of fish elsewhere than in the market by a person who obtains the fish direct from the fisherman who catches it or the person who imports it from overseas.

Metropolitan Water Supply, Sewerage and Drainage.—No. 2 of 1941 amends the Metropolitan Water Supply Sewerage and Drainage Act, 1909, and makes provision in that Act for a power to amend in the course of a year the annual value of rateable land and to make consequential adjustments in the amount of the rates payable in respect of such land.

The amendment consists of the insertion of a new s. 97A after s. 97 of the principal Act, and such new section provides that where the net annual value of any rateable land has been assessed in respect of any year and during the currency of that year it appears to the Minister that by reason of any improvements made to or erected upon such land the amount of the annual value has become greater than the amount of the annual value then assessed, or that by reason of the destruction, damage or demolition of improvements previously made and standing on the land the amount of the annual value has become less than the amount of the annual value then assessed, the Minister may cause the annual value to be reassessed for and in respect of the then unexpired portion of such year, and amend and adjust either by increase or reduction, as the case may require, the amount of the rates payable upon the said land to the extent by which such re-assessment of the annual value justifies the making of such amendment or adjustment.

Money Lenders.—No. 23 of 1941 amends the Money Lenders Act, 1912–1937. S. 10 of that Act, which relates to the prohibition of compound interest on loans by money lenders, is amended by deleting a proviso which permitted a money lender to recover simple interest on arrears of payment of principal or interest; and by this amendment the said prohibition is made complete.

New ss. 11A and 11B are inserted in the principal Act after s. 11. The new s.11A makes provision for the prescribing of a maximum rate of interest which may be charged by money lenders, which maximum rate as from the date of the coming into operation of the section shall be fifteen pounds per centum per annum, and prohibits money lenders in respect of loans made after the date of the coming into operation of the section charging a rate of interest exceeding such maximum rate.

The new s. 11B provides that for the purposes of the new s. 11A, the money lender shall calculate and charge the interest on the loan to the borrower on the monthly balance of the loan after crediting the borrower with any instalment or instalments made during the month from which instalment or instalments so made during the month the interest payable for such month and as calculated monthly has been deducted.

Municipal Corporations.— No 11 of 1941 amends the Municipal Corporations Act, 1906–1940. S. 25, which specifies the manner in which petitions for the exercise of powers by the Governor shall be signed is amended by the insertion of a new paragraph (*h*1) which provides that a petition for the alteration or adjustment of the boundaries of conterminous municipal districts or of any conterminous municipal district and road district shall be executed with the common seal of the Municipality. This paragraph, however, does not affect the operation of s. 26 of the principal Act under which the Governor in certain cases may exercise his powers without any petition seeking the same.

S. 85 of the principal Act, which contains provisions relating to the election of the Mayor and the Councillors of a Municipality, is also amended. This section provides that electors shall have one or more votes according to prescribed scale based upon the rateable value of the land held, but made provision for the table of votes only on the basis of the assessed annual value of such rateable land.

A prior amendment of the said principal Act authorized in some cases the valuation of land for rating purposes upon the basis of the unimproved capital value of the land.

The amendment now made in s. 85 provides, in addition to the existing table of votes based on the assessed annual value, another table of votes based upon the assessed unimproved capital value of the land.

S. 93 of the principal Act, which deals with the making of nominations and the time for lodging same in connection with municipal elections and provided that nominations must be lodged at or before four o'clock p.m. on the nomination day, is amended so that now such nominations must be lodged at or before twelve o'clock noon on the nomination day.

S. 95 of the principal Act, which deals with proceedings at nomination in connection with municipal elections, is amended consequentially in accordance with the said amendment of s. 93.

S. 110 of the principal Act, which makes provision for electors in certain cases voting in absence at municipal elections, is amended by deleting sub-section (6) and inserting a new sub-section (6) in its place. Under the former sub-section (6) the Minister issued stocks of ballot papers and counterfoils for use by electors voting in absence only to town clerks of municipalities, who were responsible for the distribution of the same as required. Under the new sub-section (6) the Minister can issue stocks of such ballot papers and counterfoils to town clerks, returning officers and other persons appointed by the Minister for the purpose.

S. 113 of the principal Act, which requires that the result of elections shall be published in the *Government Gazette,* is amended so as to provide that the result shall be so published within seven days after the election.

S. 403 of the principal Act, which makes provision with respect to the notice of appeal in cases of appeals by owners against rating of land and provides in sub-section (3) of the section that no appeal shall be entertained unless the appellant deposits with the town clerk the amount of the first moiety of the rate payable in respect of the valuation appealed against, is amended by adding a proviso to the said sub-section (3) which exempts from the obligation to make the deposit aforesaid any appellant who has claimed and obtained exemption from liability for payment of rates under the provisions of the Pensioners (Rates Exemption) Act, 1922–1938.

Native Administration.—No. 4 of 1941 amends the Native Administration Act, 1936, by making provision therein for restrictions against the travelling of certain natives within the State to limit the spread of leprosy within the State. The special provisions are contained in a new s. 9A inserted in the principal Act after s. 9, and other provisions in the Act which may be inconsistent with such special provisions are expressly made to operate subject to such special provisions. The twentieth parallel of south latitude or such other boundary as may from time to time be declared by the Governor by proclamation is established with respect to the application of the said special provisions. Under the new s. 9A no native who at the time of the commencement of the section is living north of the boundary line or who at any time thereafter shall have passed to that part of the State north of the boundary line shall pass to any part of the State south of the boundary line by land, sea or air save and except in any of the following circumstances: (*a*) Where as the result of mental infirmity or insanity the transfer of the native to a mental treatment hospital or to a hospital for the insane or to another institution south of the boundary line is, after medical examination of the native, deemed to be necessary and the native will be under the regular supervision of a medical officer whilst in such hospital or other institution; or (*b*) Where the native is found on medical examination to require special medical attention which is available only at a place south of the boundary line and the native has obtained from the Minister a permit to travel to such place in order to obtain such attention. Every permit issued by the Minister to a native under this paragraph shall be so issued subject to the conditions that the permit shall operate only for a specified period which shall not exceed three months unless the original period is extended by the Minister, that the native shall return to a place north of the boundary line immediately after the termination of the specialist medical attention for which he has received the permit, that if the native fails or refuses to submit himself to the said specialist medical attention for a period which the Minister considers unreasonable, the Minister may cancel the permit and cause the native to be apprehended and conveyed to a place north of the boundary line, that whilst the native is south of the boundary line he shall regularly submit himself for medical examination by a medical practitioner nominated by the Minister, and that the Minister may at any time cancel the permit and require the native to return to a place north of the boundary line if the Minister considers that, having regard to the objects of s. 9A, it is desirable that the native should not be permitted to continue to remain south of the boundary line. (*c*) Where in accordance with law the attendance of a native is required at a place south of the boundary line in connection with any action, cause, proceeding or other legal matter and the native cannot lawfully refuse to attend as required. Where, however, a native attends at a place south of the boundary line under the authority of this paragraph he must forthwith after such attendance ceases to be necessary return to a place north of the boundary line, and if he fail or refuse to do so the Minister may cause him to be apprehended and conveyed to a place north of the boundary line. (*d*) Where the native travels in a part of the State south of the boundary line as the employee of or in company with a person droving stock, who holds a permit issued by the Minister authorizing such person to employ or take with him the said native south of the boundary line. Every permit so issued, however, shall *inter alia* include and be subject to the conditions that the permit shall operate only for the period specified in the permit, that the holder of the permit will undertake to return or cause the native to be returned to a place north of the boundary line when the droving of the stock has been completed, that if the permit holder makes default in returning the native as aforesaid the Minister may make good such default at the expense of the permit holder, that whilst the native is south of the boundary line the permit holder will not permit or suffer the native to consort with other natives and, if so required by the Minister, will cause the native to submit to medical examination periodically by a medical practitioner nominated by the Minister, and that the Minister may cancel the permit at any time. Penalties are imposed upon any person who causes or aids a native in committing any contravention of the provisions of the said s. 9A.

Plant Diseases.—No. 33 of 1941 repealed the Plant Diseases (Registration Fees) Act, 1939, and in lieu thereof made provision for authorizing the prescribing of special registration fees for the registration of orchards under the Plant Diseases Act, 1914–1939 in certain cases.

S. 4 authorizes the Governor, subject to certain limitations by regulation under the Plant Diseases Act, 1914–1939, to fix as the registration fee to be paid for the registration of an orchard the area of which is not less than one acre a sum not exceeding one shilling and six pence for every acre comprised in the area of such orchard.

The registration of orchards less than one acre in area is made under the Plant Diseases Act, 1914–1939, upon payment of a fixed fee of one shilling.

The provision for the special registration fee is subject to certain expressed exceptions, e.g., nurseries, or parts of orchards in which the trees growing are less than four years old. In the case of those excepted orchards a fixed registration fee of one shilling is payable.

Potato Growers Licensing.—No. 42 of 1941 is a new Act to provide for the licensing of potato growers and for the payment of an annual licence fee and for other relative purposes. S. 3 requires that every person who by himself or through his servants or agents or in partnership with others uses land of any area exceeding half an acre for growing potatoes for sale shall first obtain a licence under the Act. In the case of partnerships one licence in respect of all the partners is sufficient.

The application for a licence must be made to the Under Secretary of the Department of Agriculture, who is authorized to grant such licences. The licence is an annual one and a licence fee graded from 10s. up to £3, with an additional fee of £1 for every ten acres when the area of the land exceeds 30 acres, is payable according to the area of the land licensed.

A person using land for growing potatoes without obtaining a licence, where under the Act a licence is necessary, is liable upon summary conviction to a minimum penalty of £2, and a maximum penalty of £100.

Under s. 4 the revenue from licence fees and penalties for offences against the Act are to be paid into a special account at the State Treasury which will be administered by a Committee to be known as the Potato Growers Advisory Committee subject to the approval of the Minister charged with the administration of the Act.

The moneys in the special account may be used (1) to defray the costs of and incidental to the issue of licences and the general administration of the Act, and (2) in any manner which in the opinion of the Minister is deemed to be best calculated to develop and protect the potato growing industry, and shall be wholly expended in or towards the promotion in Western Australia of the production, marketing, treatment and sale of potatoes.

The Committee will in the first instance be appointed by the Governor in Council on the recommendation of the Minister and will consist of three members, namely, two persons who hold licences under the Act and an officer of the Department of Agriculture. After holding office for one year the two members other than the officer of the Department of Agriculture will retire and the places will be taken by licensed growers elected by the licensed growers.

Every licensed grower of potatoes who is enrolled as an elector for the Legislative Assembly in the Parliament of the State will be eligible to vote at the election of the elective members of the Committee.

Other sections of the Act authorize the appointment of inspectors, prescribe the powers of such inspectors, and fix penalties for obstructing or hindering inspectors in the exercise of those powers. All such penalties are recoverable by summary proceedings.

Profiteering Prevention.—No. 19 of 1941 amends the Profiteering Prevention Act, 1939. S. 2 amends s. 14 of the principal Act which enacts that it shall be unlawful for a trader whether as principal or agent *inter alia* to refuse to sell in reasonable quantities at the declared price or where there is no declared price at a price *higher* than the prevailing price any commodity under his control.

The amendment substitutes the words "not exceeding" for the words "higher than" so that under s. 14 as amended it will be unlawful for a trader to refuse to sell a commodity, where there is no declared price, at a price *not exceeding* the prevailing price.

S. 3 amends s. 28 of the principal Act which provides that offences against the principal Act may be prosecuted and punished by complaint under the Justices Act, 1902–1936, by adding thereto a proviso which in relation to offences under this Act removes the time limitation for lodging complaints which is fixed by the Justices Act. Offences under the principal Act may be prosecuted now at any time during the continuance of the principal Act.

Public Service Appeal Board.—No. 21 of 1941 amends sub-section (3) of s. 6 of the Public Service Appeal Board Act, 1920–1937, by adding thereto a proviso. The sub-section provides that any person who has been employed at a daily or weekly rate of wages for not less than five years continuously in a department of the public service within the Public Service Act, 1904–1935, and whose duties are similar to those of an officer on the permanent staff or such as are proper for an officer on the permanent staff to perform under such Act, may apply to the Public Service Commissioner for appointment to the permanent staff. The proviso which is now added to the said sub-section suspends the operation of the sub-section for the duration of the present war and for a period of one year after the proclaimed end of such war.

Public Trustee.—No. 26 of 1941 is a new Act which relates to the appointment of a public trustee and the powers and duties thereof and to other purposes. S. 3 provides that the offices of Curator of Intestate Estates and of the Official Trustee previously existing shall be abolished and that the persons holding those offices shall go out of office, and that the Public Trustee established and appointed under this Act shall be the successor in law to the said offices. Also that all property previously vested in or held by the Curator or the Official Trustee shall by virtue of this Act be transferred to and vested in or held by the said Public Trustee; and generally that all estates and property of deceased persons left unadministered by the Curator immediately before the date of the commencement of this Act shall be administered by the Public Trustee who shall become entitled to the possession thereof and of all books, accounts, letters, papers and documents formerly used by or in the possession of or under the control of the Curator. The same section makes similar provision in relation to estates and property in the course of being managed and dealt with by the Official Trustee immediately prior to this Act coming into operation.

References to the Curator and the Official Trustee in other Acts are to be read as references to the Public Trustee; proceedings and actions pending by or against the Curator or the Official Trustee may be continued, prosecuted and enforced by or against the Public Trustee; and any order to administer granted to or on an application initiated by the Curator shall have effect for all purposes as if this Act had not been passed.

Part I (ss. 4 to 6) provides for the establishment of the Public Trust Office to be administered by an officer called the Public Trustee, who, subject to the Public Service Act, shall be appointed by the Governor and shall have and exercise the powers conferred and discharge the duties imposed upon him by the Act.

The Public Trustee will be a body corporate under that name, shall have perpetual succession and a common seal and be capable in law of suing and being sued and of holding and disposing of real and personal property.

Provision is made for the appointment of an acting Trustee with full powers to act in the stead of the Public Trustee, and every Court is bound to take judicial notice of the appointments of the Public Trustee and of the Acting Public Trustee, their signatures and of the seal of the Public Trustee.

The Governor also appoints all necessary clerks, officers and persons to assist the Public Trustee in his duties.

Part II (ss. 6 to 37) covers the powers and duties of the Public Trustee. S. 7 provides that where the Crown, the Governor in Council, a public officer, a Court, a Judge, a public or private corporate body or any person within or outside Western Australia now or hereafter can appoint a trustee, executor, administrator, guardian, next friend, committee, manager, receiver, agent or attorney, any such appointments may be made of the Public Trustee, and upon any such appointment of the Public Trustee being made, then the powers, duties, immunities and rights of the Public Trustee under such appointment shall, subject to this Act be the same as if the appointment had been of a private person.

S. 8 enacts that when the Public Trustee is named as executor in any will or codicil of any testator he may accept such appointment and apply for and obtain probate and perform and discharge all the acts and duties of an executor as fully as any other executor.

S. 9 provides that upon the death of a person and until probate or administration is granted in respect of his estate the real and personal estate of the deceased person shall vest in the Public Trustee instead of in the Chief Justice of Western Australia as hereintofore; and that any estate or property at the commencement of this Act vested in the Chief Justice aforesaid shall by virtue of this Act vest in the Public Trustee.

S. 10 provides that the Court may grant to the Public Trustee an order to administer the estate of any deceased person who leaves no executor, widow, husband, beneficiary or next of kin resident within the jurisdiction and willing and capable of acting in execution of his or her will or administration of his or her estate, or where the executor named in the will of such deceased person renounces probate, and all persons primarily entitled to administration by writing filed with the Master of the Supreme Court decline to apply for administration, or where probate or administration is not applied for within six months after the death of such deceased person, or where after the expiration of sixty days from such death, there appears to the Court to be no reasonable possibility of application being made within such period of six months, or where the estate or any portion of the estate of such deceased person is unprotected or liable to waste, and the executor or widow, husband or next of kin is absent from the locality of the estate or of such portion thereof or is not known or has not been found, or where the estate or any substantial portion thereof is of a perishable nature or is in danger of being lost or destroyed, or in any other case where the Court considers it expedient or proper. In the event of an application for an order to administer the estate of a deceased person being made under this section, the Court may require the Public Trustee to give any notices or cite any persons or give any evidence as the Court may direct before granting such order, and may make an order subject to restrictions or conditions, or an order of a temporary nature only or one limited to a portion only of the estate. An order made under this section subject to any restrictions or conditions imposed by the Court gives to the Public Trustee the same powers, rights and obligations in respect of the estate concerned as he would have under letters of administration.

S. 11 enacts that the Public Trustee shall be entitled to a grant of administration of the estate of a deceased person in preference to any creditor applying in that capacity, unless the creditor proves to the satisfaction of the Court or the Master that it will be more beneficial to the estate that it should be administered by such creditor.

Under s. 12 persons entitled to apply for probate or letters of administration may authorize the Public Trustee to apply to the Court for such probate, or for administration with the will annexed or for letters of administration as the case may be; and any executor who has obtained probate or any administrator who has obtained letters of administration may with the consent of the Public Trustee, and after an account of all receipts and disbursements made by such executor or administrator in relation to the estate, apply to the Court for an order transferring the estate to the Public Trustee for administration, which order the Court is empowered to make. Where there are more executors or administrators than one, all or the majority of them may apply to the Court or a Judge to have the Public Trustee appointed sole executor or sole administrator on the grounds that the interests of the estate would be benefited by such appointment. Where to the appointment of any executor or administrator the consent of any person is required and any such person refuses to consent to the Public Trustee being appointed or where the person to consent is an infant, idiot or lunatic or of unsound mind or absent from Western Australia or has any other disability, the appointment of the Public Trustee may be made without such consent if a Judge of the Supreme Court so orders.

Under s. 13 where probate or administration of the estate of a deceased person has been granted to any person the Public Trustee or any person interested may apply to the Court for an order for the removal of such executor and administrator and for administration by the Public Trustee of the land or goods or estate left unadministered.

When such an order is made the Court may also order that any administration bond entered into by the administrator shall be assigned to the Public Trustee, and thereupon the latter shall be entitled to sue on the said bond in his own name as if the same had originally been given to him, and to recover thereon as trustee for all persons interested in the full amount recoverable in respect of any breach of the condition of the bond.

Where the Public Trustee is appointed Executor or Administrator under either s. 12 or s. 13 of the Act the property, rights, powers, authorities, functions and discretions vested in, and the liabilities properly incurred in the due administration of the estate by the original executor or administrator as the case may be upon such appointment and without any conveyance, transfer or assignment become and are vested in and transferred to the Public Trustee, who then has the same privileges, rights, powers, duties, discretions and liabilities as he would have if probate or administration had been granted to him originally.

Under s. 14 where a person has died or dies intestate either in or out of Western Australia, leaving property the gross value of which as estimated by the Public Trustee does not exceed £500, and no person within three months of the death of the deceased has taken out administration in Western Australia, the Public Trustee provided he is entitled to apply for and obtain an order to administer the estate of such person, may in lieu of making such application file in the office of the Court an election in writing setting forth the name, residence and occupation of the intestate and the value of the property of the intestate as then known and electing to administer. Upon the filing of such election the Public Trustee will be deemed to be administrator of the whole estate of the intestate in all respects as if a grant of letters of administration had been granted to him in the ordinary course. The Public Trustee must publish in the *Government Gazette* notice that he has made such election, and the notice will be conclusive evidence that he is rightfully entitled to administer. Where, however, subsequently to the filing of such an election the gross value of the estate is found to exceed £500, the Public Trustee must as soon as possible thereafter file in the office of the Court a memorandum stating the fact, and then proceed in the ordinary manner to apply for and obtain an order for the administration of the estate.

Where after filing of an election the Public Trustee finds that the deceased person, believed to have died intestate, died testate, the Public Trustee must as soon as possible file in the office of the Court a memorandum stating the fact and revoking the election and also file with the Master of the Court his accounts of all transactions in the matter of the estate of the deceased person.

S. 15 enacts that where the Public Trustee obtains a grant of probate or administration under this Act he will be deemed to be the successor of a deceased licensee for the purposes of the Licensing Act, 1911–1934, and as such with the consent of the Licensing Court may by himself or his agent enter into and become the licensee of the licensed premises of which the deceased was the licensee.

Under s. 16 when the Public Trustee has been granted probate of the will or administration of the estate in Western Australia of a person who at the time of his death was domiciled in any other State or Territory of the Commonwealth of Australia or in the Dominion of New Zealand and whose estate elsewhere than in Western Australia is being administered by executors or administrators or the proper officer in such other State or Territory or Dominion, the Public Trustee may pay or cause to be paid to such executors or administrators or proper officer the balance of the estate in Western Australia after payment of creditors and fees and expenses without seeing to the application of such balance and without incurring any liability in regard to such payment to any of the persons aforesaid.

Also where any moneys or personal chattels are payable or deliverable by the Public Trustee to the subject of any country out of His Majesty's jurisdiction, the Minister may authorize the Public Trustee to pay or deliver the same to the proper officer of that country or to the chief consular officer for that country in Western Australia on behalf of the person entitled, and the receipt of such proper officer or consular officer will free the Public Trustee from all further liability in respect of such money or personal chattels.

Under the same section where the proper officer of any State or Territory of the Commonwealth of Australia, other than Western Australia or of the

Dominion of New Zealand, is in such State or Territory or Dominion administering the estate of a deceased person and the Public Trustee has been granted probate of the Will or administration of the estate in Western Australia of such deceased person, if the deceased at the time of his death was domiciled in Western Australia, the Public Trustee may receive from such proper officer the balance of the estate which has been administered by such proper officer, and such balance when so received by him will form part of the estate of the deceased and shall be dealt with by the Public Trustee in accordance with the law of Western Australia.

For the purposes of this section the expression "proper officer" is defined as including Public Trustee or Public Curator or other officer discharging duties corresponding to those discharged in Western Australia by the Public Trustee.

S. 17 provides that if it appears that any property vested in the Public Trustee has escheated to the Crown, the Public Trustee shall report the facts to the Crown Solicitor who may then take the necessary proceeding to establish such escheat.

S. 18 provides that where the net amount payable to any infant out of the residue of any intestate estate being administered by the Public Trustee is under £100, the Public Trustee may pay or cause to be paid the distributive share to which such infant is entitled to the widow or to any person having the care or custody of the infant without seeing to the application thereof and without incurring any liability in respect of such payment.

S. 19 enacts that the Public Trustee shall be liable in respect of estates administered by him to pay the same death or succession duties as would be payable in respect of such estates if they were being administered by another executor or administrator.

S. 20 enacts that the Public Trustee may, unless expressly prohibited by the terms of the trust, be appointed or become a trustee.

S. 21 enacts that in the administration of any trust estate as trustee thereof the Public Trustee may act with one or more advisory trustees who may be appointed by an order of the Court made on the application of any beneficiary or of any person on whose application the Court would have power to appoint a new trustee or by the trust instrument or by any person having power to appoint new trustees. No such advisory trustee, however, shall be liable as such for any act or thing done by the Public Trustee. Where the Public Trustee acts with advisory trustees the trust property will be vested in the Public Trustee and he will have the sole management and administration of the estate and its trusts as if he were the sole trustee, but he may consult the advisory trustees on any matter relating to the trusts or the estate and the advisory trustees may advise the Public Trustee on any such matter.

In cases of difference between the Public Trustee and the advisory trustees, either the Public Trustee or the advisory trustees may submit the matter in dispute in a summary manner to a Judge in Chambers, and the latter's decision will be final. No person dealing with the Public Trustee shall be concerned to inquire as to the concurrence or otherwise of the advisory trustees or be affected by notice of the fact that the advisory trustees have not concurred. The power of appointing a new advisory trustee when exercisable by the continuing advisory trustees shall be exercised by them alone, but the Public Trustee will have the same power of applying to the Court for the appointment of a new advisory trustee as is possessed by any other person. Subject to the provisions of the trust instrument regulations under the Act may prescribe for the remuneration of advisory trustees out of the estate.

S. 22 enables the Public Trustee to be appointed as the custodian trustee of any trust, either by order of the Court made on the application of any beneficiary or of any person on whose application the Court may order the appointment of a new trustee or by the trust instrument or by any person having power to appoint new Trustees.

Upon such appointment being made the trust property shall be transferred to the custodian trustee as if he were sole trustee and for that purpose vesting orders may where necessary be made by the Court. Also the management of the trust property and the exercise of any power or discretion exercisable by the trustees under the trust will remain vested in the trustees other than the custodian trustee. Such other trustees are referred to in the Act as the "Managing trustees." As between the custodian trustee and the managing trustees and subject and without prejudice to the rights of any other persons, the custodian trustee will have the custody of all securities and documents of like relating to the trust property, but the managing trustees shall have free access thereto and be entitled to take copies of or extracts therefrom. The custodian trustee must concur in and perform all acts necessary to enable the managing trustees to exercise their powers of management or any other power or discretion vested in them, including the power to pay money or securities into Court unless the matter in which he is requested to concur is a breach of trust or involves a personal liability upon him in respect of calls or otherwise. Unless he so concurs the custodian trustee will not be liable for any act or default on the part of the managing trustees or any of them. All sums payable to or out of the income or capital of the trust property must be paid to or by the custodian trustee but he may allow the dividends and other income derived from the trust property to be paid to the managing trustees or to any other person or into a bank to the credit of any person as the custodian trustee may direct, and he will be exonerated from seeing to the application thereof and freed from all liability for any loss or misapplication thereof.

The power of appointing new trustees when exercisable by the trustees will be exercisable by the managing trustees only, but the custodian trustee will have the same power of applying to the Court for the appointment of a new trustee as any other trustee.

The custodian trustee, while he acts in good faith, will not be liable for accepting as correct and acting on the faith of any written statement by the managing trustees as to any birth, death, marriage or other matter of fact upon which the title to the trust property or any part thereof may depend, nor for acting upon any legal advice obtained by the managing trustees independently of the custodian trustee.

The Court on the application either of the custodian trustee or of any of the managing trustees or of any beneficiary to terminate the custodian trusteeship and on proof to its satisfaction that it is the general wish of the beneficiaries or that on other grounds it is expedient that the custodian trusteeship should be terminated may make an order for that purpose and also make such vesting orders and give such directions as to the Court may seem to be necessary or expedient.

Finally s. 22 provides that in cases of difference between the custodian trustee and the managing trustees either the custodian trustee or the managing trustees may submit the matter in dispute in a summary manner to a Judge in Chambers and his decision will be final.

S. 23 enacts that in addition to any other powers conferred by this Act the Public Trustee shall have and may exercise all rights, powers and authorities conferred upon and may avail himself of all defences open to trustees under the Trustee Act, 1900, the Trustees' Powers Act, 1931, or any other Act.

S. 24 provides that the Public Trustee shall have the management and care of the property of every insane patient and also all the powers and duties necessary and incident to such management and care.

Also the Public Trustee may if he consents to the application be appointed under the provisions of s. 111 of the Lunacy Act, 1920, to undertake the management and care of the property of any person found to be incapable of such management and care himself through age or mental infirmity.

When the Public Trustee does undertake the management and care of the property of any insane patient or incapable person he must manage and care for such property in accordance with the provisions of this Act. This section, however, does not apply in the case of any insane patient or incapable person of whose estate a committee has been appointed under the Lunacy Act, 1920, or for the management of whose property a person has been appointed under s. 111 of the said Act as the case may be, or whose property is vested in a curator under the provisions of Chapter 68, s. 684 of the Criminal Code.

S. 25 enacts that where a person has, on the trial of any information, been acquitted on the ground of insanity or has upon arraignment upon a criminal charge been found to be insane, the Sheriff must report the fact to the Public Trustee and that thereupon the latter shall make inquiry respecting the property of such person, and that the Court may, on application by the Public Trustee on being satisfied of the continued insanity of such person and of his being still in confinement, make any orders with respect to the property of such person and the application thereof for the payment of debts or for maintenance or benefit of such person or that of his family or for carrying on his trade or business.

Under s. 26 persons dealing with the Public Trustee in respect of any estate over which he has assumed control will be as fully protected as if the owner of the estate were an insane patient or incapable person at the time of the dealing although he is not in fact then an insane patient or incapable person; and a purchaser or mortgagee from the Public Trustee of any real or personal property of an insane patient or incapable person will not be bound to inquire as to the Public Trustee's powers so to deal with that property or as to the application of the purchase money.

S. 27 empowers the Public Trustee to pay over to an insane patient, who is permitted to be absent from the institution where he has been detained, or to any person on such insane patient's behalf who gives satisfactory security to the Public Trustee for the proper management and disposal thereof, the whole or any part of the money standing to the credit of the patient and to hand over to the patient or other person aforesaid all other property included in the patient's estate.

S. 28 makes provision for the recovery of possession of property and debts owing to the insane patient or incapable person by a summary proceeding at the suit of the Public Trustee before a Judge who is authorized to make any order necessary in the circumstances.

Under s. 29 where any person within one month before becoming an insane patient or any insane patient before his discharge has made or executed any transfer, sale, alienation charge or lease of any real or personal property the Court on application by the Public Trustee and after notice to persons as directed by the Court may set aside the said transaction and make such order as may be just.

S. 30 empowers the Public Trustee on the discharge or death of an insane patient or incapable person to pay over to such patient or person or to his legal representative as the case may be all moneys standing to the credit of the patient or person aforesaid and to hand over to the patient or other person or to the legal representative as the case may be all other property included in the estate of such patient or incapable person. Instead of making such payment or delivery voluntarily, however, the Public Trustee may if he thinks fit require the discharged patient or incapable person claiming the money or property to obtain an order of the Court. Where no debt has been proved with respect to the property of an insane patient or incapable person or no debt remains unsatisfied and the amount of any money standing to the credit of the patient or incapable person and the value of any other property forming the estate does not exceed in the whole £100, the Public Trustee may after the death of the insane patient or incapable person pay and hand over such money and property to any person claiming as entitled in the distribution of his estate or as a legatee under his will, although letters of administration have not been obtained or the will proved and although legal proof is not given of the right or title of the person making the claim.

S. 31 provides that notwithstanding the discharge or death of a patient, the Public Trustee may continue to perform the duties and exercise the powers conferred on him with respect to the estate of the patient until he receives notice of such discharge or death, and that on the discharge or death of a patient he or his legal representatives as the case may be will be bound by and may take advantage of any act lawfully done by the Public Trustee on behalf of the patient as if the said act had been done by the patient himself while sane.

S. 32 requires that when any application is made to the Court or a Judge under the Lunacy Act, 1920, to appoint any person other than the Public Trustee to undertake the care and management of the property of an incapable person, notice of the application shall be given to the Public Trustee by the person making the same.

S. 33 provides that the powers, duties and functions of the Public Trustee under this Act in relation to the management and care of the property of an insane patient or incapable person shall cease when the insane patient or incapable person dies, or when the Court declares that the insane patient or the incapable person has recovered his sanity and/or is capable of managing his affairs, or upon notice from the Inspector General of the Insane that the person being a patient has been discharged.

Under s. 34 on the death of any insane patient or incapable person whose estate is subject to the control of the Public Trustee or on the supersession or rescission of the relative declaration or order made under the Lunacy Act, 1920, or on the cessation of the Public Trustee's powers over the estate of any such person, the Public Trustee may direct and authorize the payment, transfer or delivery of any funds in his custody or under his control belonging to the insane patient or incapable person or any documents or effects relating to or forming part of his estate deposited in the office of the Public Trustee for safe custody to the person entitled thereto.

S. 35 empowers the Public Trustee on being satisfied of the death of an insane patient or incapable person to open and read any document deposited with him purporting or alleged to contain any testamentary disposition made by such person, or for the purpose of ascertaining who is therein nominated executor thereof and whether any direction is contained therein concerning the funeral or place of interment of such person, and to deliver the document to the executor or one of the executors therein named or to some other person to be dealt with according to law.

S. 36 authorizes the Public Trustee to sell any personal effects which come into his possession belonging to any insane patient or incapable person whose estate is subject to his control if such personal effects are not claimed within two years from the date of the discharge or death of such patient or person. The proceeds of any such sale must be paid into the consolidated revenue of the State as unclaimed moneys.

S. 37 enacts that the investments of moneys under the control or subject to any order of the Supreme Court shall be made by the Public Trustee; that all moneys or damages received by or awarded to the Public Trustee shall, subject to any specific or general directions of the appropriate Court, be held and applied by him in such manner as he thinks fit for the maintenance and education or otherwise for the benefit of the persons entitled thereto; that all moneys ordered by a magistrate of a local court to be invested under the provisions of the

Workers' Compensation Act, 1912–1939, shall be paid to the Public Trustee who shall then hold such moneys for the person or persons entitled thereto, and that any such sum shall be disbursed by the Public Trustee in accordance with the order of the Magistrate who shall determine the manner in which such sum shall be applied. The investment of any such sum, however, will be in the sole discretion of the Public Trustee. The same section provides that a certificate under the hand and seal of the Public Trustee showing the receipt of money by him shall in any court or proceedings be sufficient evidence of the facts therein stated without any further proof. A sub-section of this section protects as against the Public Trustee any lien of a solicitor for costs which have been allowed as solicitor or client costs.

Part III of the Act (ss. 38 to 48) contains provisions covering financial matters.

S. 38 provides for the charging of fees in respect of the duties and services of the Public Trustee, whether by way of percentage or otherwise, for the prescribing of the rates or amounts, for the collection and accounting therefor by such persons and in such manner as may be prescribed by regulations, and requires that such fees shall be paid into the Consolidated Revenue Fund. It is expressly provided that in time of war reduced fees may be prescribed with respect to the trusts and estates of members of the Commonwealth Naval, Military and Air Forces. Such fees must not exceed (in addition to all moneys properly expended in respect of the estate) two and a half per centum of the corpus of any estate and five pounds per centum of income received by the Public Trustee in respect of any such estate. The incidence of fees and expenses as between corpus and income will be determined by the Public Trustee.

S. 39 authorizes the payment of fees and charges out of estates in the hands of the Public Trustee when such fees and expenses are chargeable against such estates, and out of moneys appropriated by Parliament where such expenses are not chargeable against any such estates.

S. 40 enacts that all capital moneys however arising vested in the Public Trustee shall unless directed to be otherwise invested, become one common fund which will be called the Public Trustee Common Fund, be kept at the State Treasury, and be invested by the Public Trustee. Investments made from such Common Fund will not be made on account of or belong to any particular trust or estate, and interest earned by such investments will be paid into the Common Fund. In regard to investments the Public Trustee will have the same powers as other trustees under the law relating to the investment of trust funds. The income belonging to the respective trusts or estates the moneys of which form the Common Fund must be credited to the respective trusts or estates quarterly as prescribed on the first days of January, April, July and October in each year. Moneys expressly directed to be invested otherwise than in the Common Fund will not form part of the Common Fund and the Public Trustee must invest those moneys according to such direction.

S. 41 enacts that in order to admit of the moneys in the Common Fund being kept closely invested or to provide moneys with which to make advances in connection with estates, the Public Trustee may with the approval of the Minister in each case, obtain advances from the State Treasurer by hypothecating securities held by him in respect of investments of the Common Fund. Every such advance will be for a period not exceeding four months, and at a rate of interest to be approved by the Treasurer. The period for repayment of any such advance may be renewed from time to time.

S. 42 provides that if the Common Fund is insufficient to meet the lawful claims thereon the State Treasurer must pay such sums out of the Consolidated Revenue Fund as are necessary to meet the deficiency.

Under s. 43 moneys in or payable to the Public Trustee's account by the Public Trustee or any person serving under him will be deemed to be the property of the Crown for the purposes of the Act and shall be recoverable by the Crown as such.

S. 44 authorizes the Public Trustee to make advances out of moneys standing to the credit of the Common Fund for the purposes of any trust or estate in course of administration or about to be administered by him.

S. 45 provides that the Public Trustee shall annually cause moneys which have been in his hands to the credit of any trust or estate under administration by him for a term of six years and in respect of which he has published certain prescribed advertisements in a newspaper circulating in Perth, Western Australia, and in relation to which he has no information or knowledge of the existence of any person entitled in distribution or claiming so to be to be paid into the Treasury for the public service. With the approval of the Minister, however, he may retain any portion necessary to answer payment required to be paid out of an estate.

S. 46 empowers the Minister or any authorized officer of his department to inspect all books kept by the Public Trustee, and requires that all accounts of the Public Trustee of all estates and properties in his hands shall be audited by the Auditor General.

S. 47 imposes on the Public Trustee a duty to keep proper accounts in relation to every trust and estate in his hands, and to supply beneficiaries or their solicitors or agents with particulars of such accounts. Otherwise the Public Trustee and his officers must observe strict secrecy in respect of every trust and estate in his hands.

S. 48 requires the Public Trustee to transmit to the Minister annually a report of the preceding year's transactions, which report the Minister is required to lay on the Table of each House of the Parliament.

Part IV (ss. 49 to 65) covers general provisions. S. 49 confers on the Public Trustee several general powers necessary to the effective administration of trusts and estates in his hands, but in respect of three of them the Public Trustee must have an authority either under a particular provision of the Act, or under some instrument or order of the Court before he can exercise them unless he is an executor or administrator. These three matters are: (*a*) the sale of real property of a greater value than £1,000; (*b*) exchange of real property of a greater value than £250, or joining in a partition in which the interest of any person entitled thereunder exceeds £250, and (*c*) the borrowing of money to an amount exceeding £1,000.

S. 50 empowers the Public Trustee to employ agents, and requires that at his request any Clerk of Courts and any other officer of the State shall act as agent of the Public Trustee. Every agent appointed, not being a Clerk of Courts or other officer of the State, must if required by the Public Trustee, give security for the due performance of his duties.

S. 51 relieves the Public Trustee from the obligation to furnish any bond or other security in relation to his appointment or the performance of his duties and also from the obligation to file any accounts in the Registry of the Court.

S. 52 enables the Public Trustee acting in one capacity to commence proceedings in his corporate name against himself acting in another capacity, but in such a case he must obtain the directions of the Court as to how the opposing interests are to be represented.

S. 53 empowers the Public Trustee to employ such solicitors, counsel, bankers, accountants and brokers or other persons as he considers necessary. In determining the persons to be so employed in relation to any trust he must have regard to the interests of the trust but subject thereto he must whenever practicable take into consideration the wishes of the creator of the trust and of the other trustees (if any), and of the beneficiaries either expressed or as implied by the practice of the creator of the trust or in the previous management of the trust. The Trustee must also be guided by a number of principles specified in the section in regard to the employment of solicitors to conduct legal business arising in connection with the performance of his duties.

The Court may on the application of the Public Trustee remove any solicitor whom otherwise the Public Trustee in accordance with the said specified principles would be bound to employ. Finally the Public Trustee will not be bound to employ any solicitor in any case where he considers he can handle the matter himself efficiently without the services of a solicitor.

S. 54 makes provision enabling wills, trust instruments and other instruments to be deposited with the Public Trustee for safe custody.

S. 55 makes provision enabling the Public Trustee to make enquiries for the discovery of property and documents to the possession of which he is entitled under the Act, and to take proceedings for the recovery of such possession. He may summon persons to attend before him or before the Court for examination, and failure on the part of any person when summoned so to attend or to submit to examination renders him liable to prosecution and punishment for an offence.

S. 56 provides that the same proceedings may be taken against the Public Trustee in his corporate capacity for wrongs committed by him as would lie against a private person who has committed the same wrongs. Where any judgment or order is made against the Public Trustee involving payment of damages or other money, the Consolidated Revenue Fund or such other fund as may be prescribed will be liable to make good the sums required to discharge the liability of the Public Trustee under such judgment or order.

S. 57 relieves the Public Trustee and his officers from personal liability in respect of matters dealt with by them in their official capacity unless the liability arises from actual fraud or crime.

S. 58 empowers the Public Trustee to approach the Court ex parte for directions and rulings.

S. 59 provides that certificates under the hand of the Public Trustee relative to any matters dealt with by him shall be admissible as evidence of the facts stated therein.

Of the remaining sections, s. 63 enacts that where the Public Trustee pays any premiums in respect of any policy of insurance he shall have a lien on the policy moneys for the amount of the premium so paid together with interest thereon; and s. 65 empowers the Court to make rules with respect to applications, orders and matters and otherwise for regulating practice, procedure, costs and fees so as to give full effect to the Act.

Reserves.—No. 5 of 1941 relates to a particular reserve of Crown land in the City of Perth and provides for part of it being dedicated under the Municipal Corporations Act, 1906–1940, as an addition to Irwin Street, Perth, for the purpose of widening such street, and for another part of such reserve being set apart as a special reserve for an extension of the site for the headquarters buildings of the Returned Sailors', Soldiers' and Airmen's Imperial League of Australia, W.A. Branch, Incorporated.

No. 38 of 1941 relates to certain reserves and other lands and makes various provisions such as surrenders, revestments, transfers and changes of purposes in relation to such reserves.

Rights in Water and Irrigation.—No. 32 of 1941 amends the Rights in Water and Irrigation Act, 1914–1939. S. 2 of the principal Act is amended by altering the definitions "Irrigable" and "Irrigation" by amplifying the same so as to enlarge the ambit of the operation of the principal Act.

S. 33 of the principal Act is amended by inserting words in sub-section (2). Under that section the Minister is required to prepare plans and specifications and publish certain notices before commencing any irrigation works under the Act. The amendment which is now made will make it unnecessary for the Minister to take these measures when the works proposed to be carried out consist only of certain minor distributory works the estimated cost of which will not exceed £500 and the Governor approves of the same being exempted from the operation of the section.

Roads.—No. 39 of 1941 makes provision for the closure of roads, streets and certain rights of way in various parts of the State.

No. 22 of 1941 amends the Road Districts Act, 1919–1939. S. 8 of the principal Act confers upon the Governor certain powers with reference to the constitution of road districts and is now amended by adding thereto an additional sub-section (3). This new sub-section provides that where any defined parcel of land is partly in one road district and partly in another as constituted under sub-section (1) of the section and it is necessary or desirable that only one of the local authorities of such districts shall exercise the functions of a local authority in relation to the whole of such parcel of land, then in lieu of the Governor exercising any of the functions under sub-section (1) aforesaid either or both of the local authorities concerned may apply to the Minister for a determination by him whether or not the whole of such parcel of land shall be included in the district of one local authority, and if so, in which of the districts it shall be so included, and the Minister is empowered to make such determination. Before any local authority makes an application for such a determination it must give notice in writing of its intention so to do to any ratepayer interested in the parcel of land. Any such ratepayer may then acquaint the Minister of his desire as to any of the questions to be determined and his reasons therefor and the Minister in arriving at his determination must take into consideration any desire so expressed. Such a determination by the Minister will not in any way affect the exercise by the Governor of any of the powers conferred on him by s. 8.

S. 34 of the principal Act specifying the number of votes which a ratepayer may in accordance with the value of his land exercise at an election of members of the road board, is amended by adding to the section a further proviso that when any person selects the ward or wards in which he desires to be registered as an elector he must also when making such selection, state the number of votes to which he is entitled and desires to exercise in the ward or in each of the wards respectively which he has selected; and also that when any person fails to select the ward or wards in which he desires to be registered as an elector or fails to state the number of votes which he desires to exercise in any ward or in each of the wards which he has selected, the Board when dealing with or reviewing the electoral list may select for him the ward or wards in which he shall be registered as an elector and determine the number of votes which he may exercise in the ward or in each of the wards respectively. Also whenever an elector, or the Board acting for an elector, has made the selection aforesaid and allocated the votes to the ward or wards selected, no alteration in the selection of wards or in the allocation of votes shall be made until after the expiration of three years from the date of making the selection and the allocation.

S. 38 of the principal Act dealing with the preparation of electoral lists is amended by substituting "shall" for "may" in sub-section (1) and substituting "may" for "shall" in sub-section (2). These amendments correct an error which occurred in a previous amendment of the section and their effect is to make it compulsory for a road board to make out annually a list of all the owners of rateable land in the district, and to give to the Board a discretionary power to make such lists separately for each ward when the road district is divided into wards.

S. 87 of the principal Act which provides for electors voting in absence is amended by deleting sub-section (6) and inserting in lieu thereof a new sub-section (6). Under the original sub-section (6) ballot papers for use at an election of a road board when issued by the Minister could be so issued only to the returning officer for distribution by him to electors wishing to vote in absence.

Under the new sub-section (6) the Minister may issue such ballot papers not only to the returning officer but also to other persons expressly appointed for the purpose.

S. 132 of the principal Act specifying the number of road board members which shall form a quorum at a meeting thereof is amended by adding to the section a proviso that where by reason of the absence of any member or members with the leave of the Board or of any other exceptional circumstances the Minister is satisfied that a major part of the number of members for the time being assigned to the Board may not be available to form a quorum at any meeting of the Board the Minister may by notice in writing to the Chairman of the Board fix a number of members less than the major part aforesaid which shall constitute a quorum during the period specified in such notice, and during the currency of such notice the number of members specified therein will constitute a quorum of the Board.

S. 162 of the principal Act which confers numerous powers on road boards, is amended by inserting therein after paragraph (8) thereof a new paragraph (8*a*) which enacts that in the event of the Board contracting with any person for the sale and supply by such person of electricity to consumers within the district of the Board, including the Board as such a consumer, the Board may give to such person a guarantee in respect of the amount of the gross revenue to be received by such person from the sale and supply of electricity to such consumers.

S. 245 of the principal Act, which makes provision for boards striking loan rates, is amended by deleting sub-section (5) and inserting in lieu thereof a new sub-section (5). The old sub-section (5) provided that when the proceeds of a loan had been invested in a reproductive undertaking the income of which was sufficient to pay interest and sinking fund on the money borrowed the Minister might for such period as he thought fit exempt the Board from its obligation to make and levy a loan rate. The effect of that sub-section, therefore, was to impose on the Board a duty to make and levy a loan rate when the income from a reproductive undertaking was insufficient to pay the interest and sinking fund contribution in full and consequently in such case no part of such income could be utilized to meet in part the interest and sinking fund contribution and in that way reduce the rate of the loan rate to be made and levied.

The new sub-section (5) removes this objection and provides where the net income from a reproductive undertaking is sufficient to meet in full the amounts of the Board's commitments for interest and sinking fund or instalments of loan as the case may be in any year, it shall not be necessary for the Board to impose a loan rate for that year; and that where such net income is sufficient to meet only in part the amount of the Board's commitments in any year the Board may impose such loan rate as will be sufficient to provide an amount which together with the net income available will be sufficient to meet in full the Board's commitments for that year; and that if in any year the net income and the proceeds of a loan rate imposed are together insufficient to meet the commitments of the Board in that year in respect of any such reproductive undertaking the Board may pay the deficiency out of its general revenue.

S. 253 of the principal Act, which empowers the Governor to exempt any road district from those provisions of the Act which impose on a road board a duty to make and levy rates upon rateable land in its district, is amended so as to empower the Governor to grant such exemption in respect of a portion only of a road district.

S. 257 of the principal Act which grants to owners of land a right of appeal to the Road Board against the rating of land is amended by adding to subsection (3) a proviso. Sub-section (3) requires an appellant to deposit with the notice of his appeal the amount of one quarter of the assessed rate against which the appeal is taken. The new proviso relieves an appellant from that obligation when he is a pensioner or other person who has claimed and obtained under the provisions of the Pensioners (Rates Exemption) Act, 1922–1938, exemption from liability for the payment of rates under the principal Act.

No. 28 of 1941 amends the Road Districts Act, 1919–1939, by adding to s. 204, which specifies the matters in relation to which a road board may make by-laws, a further paragraph (61). The new paragraph enables a Board to make by-laws for prohibiting or regulating the parking or allowing to remain stationary on any land of any caravan or vehicle designed or fitted as a habitation for any person or capable of being used for dwelling or sleeping purposes without the written licence of the Board, and authorizing the granting by road boards of licences for such period or periods and upon such terms as the Board may from time to time determine.

Stamps.—No. 35 of 1941 amends the Stamp Act, 1921–1931. S. 73 of the principal Act, which provides that certain instruments whereby, except on the occasion of a sale or a mortgage, property is transferred, shall for purposes of stamp duty be treated as conveyances, is amended by inserting therein words the effect of which is to bring within that section an instrument which is or is intended to be a record or acknowledgment of any verbal promise or agreement previously made (whether voluntary or upon any good or valuable consideration other than a bona fide pecuniary consideration) to give or settle any property in any manner whatsoever. The Second Schedule to the principal Act, which prescribes the scale of stamp duties payable under the Act on the various instruments specified therein, is amended by varying the rates of duty on certain instruments under the heading "Conveyance or transfer on sale of property." The duty chargeable on transfers of scrip or shares of an incorporated company, and on transfers of shares of any co-operative and provident society, are in each case increased from three pence to one shilling for every £5 of the amount or value of the consideration.

Also after the item "Reconveyance" in the said Schedule a new item "Record or Acknowledgment or Promise or Agreement" is inserted in such Schedule which in relation to such an instrument fixes the same rates of duty as are prescribed under the Schedule in respect of a conveyance or transfer on a sale.

Traffic Act Amendment.—No. 16 of 1941 amends the Traffic Act, 1919–1935. S. 4 of the principal Act containing definitions is amended by adding to the definition of "Owner" a proviso that where a vehicle is owned or used by more than one person as owner or hirer or otherwise, one only of such persons, to be nominated by all of them by notice in writing given to the licensing authority, shall for the purposes of the Act be deemed to be the owner of the vehicle; and that any rebates or concessions in respect of licence fees in relation to a vehicle of which only one person is deemed to be the owner as aforesaid which may be claimed under the Act upon the basis of the purpose for which the vehicle is used, shall be assessed only upon the basis of the purpose for which such vehicle is used by the person who is deemed to be the owner of such vehicle.

S. 9 of the principal Act which makes provision for the issue of licences in respect of vehicles either for a whole year or for specified portions of a year, is repealed and a new section 9 is inserted in lieu thereof.

Sub-section (1) of the new section contains definitions of "financial year," "first quarter," "second quarter," "third quarter," and "fourth quarter," "first half year" and "second half year."

Sub-section (2) enacts that subject to the provisions of s. 9, any licence required for a vehicle may be granted: (*a*) for the full financial year; (*b*) for the first half year; (*c*) for the second half year; (*d*) for any quarter; (*e*) for any unexpired portion of any of the periods aforesaid at the time when the application for the licence is made; or (*f*) in respect of a trailer for such period not being less than one month or greater than three months from the date on which the application is made.

Sub-section (3) authorizes the making of an application for a licence in the month preceding or during the financial year or half year or quarter in which the licence is to have effect.

Sub-section (4) enacts that where in any financial year neither a first half year's licence nor any licence for the first or second quarter has been issued for a vehicle, no licence shall be issued for the vehicle either for the second half year or for the third or fourth quarter of that year in any case where the vehicle was licensed for the preceding financial year or for the second half of the preceding financial year or for the fourth quarter of the preceding financial year unless the number plates of the vehicle were deposited with the local authority which issued the same within 14 days after the expiration of such preceding year or half year or fourth quarter as the case may be.

Also that where in any financial year a licence for a vehicle has been issued for the first quarter but not for the second quarter, no licence shall be issued for the vehicle either for the second half year or for the third or fourth quarter unless the number plates of the vehicle were deposited with the local authority which issued the same within 14 days after the expiration of the said licence for the first quarter.

Also that where in any financial year a licence for a vehicle has been issued either for the first half year or for the second quarter but not for the second half year or for the third quarter no licence shall be issued for the vehicle for the fourth quarter of such year unless the number plates of the vehicle were deposited with the local authority which issued the same within 14 days after the expiration of the said licence for the first half year or second quarter.

Also that the holder of a licence for a vehicle for the first half year who does not require a licence for the vehicle for the second half year, and the holder of a licence for a vehicle for any quarter who does not require a licence for the next succeeding quarter in the same financial year, must return the number plates of the vehicle to the local authority which issued the same not later than 14 days after the expiration of the licence which he holds as aforesaid. Failure to comply with this provision renders the offender liable to pay the licence fee for a licence for the next half year or the next quarter as the case may be notwithstanding that he may not obtain a licence for such period or have ceased to be the owner of the vehicle. Under the same sub-section, the holder of a licence for a vehicle which expires on June 30 in any year who does not require a licence for the vehicle for the next following year or for the first half year or the first quarter of the next following year, must return the number plates of the vehicle to the local authority which issued the same not later than July 15 next following the date of the expiration of the said licence. Failure to comply with this provision renders the offender liable to pay to the local authority the fee which would be payable for a licence for the first quarter of the next year notwithstanding that he may not obtain such licence or have ceased to be the owner of the vehicle. Sub-section (5) provides for payment of fees proportionately for licences for a half year or for a quarter. Sub-section (6) makes special provision in regard to payment for a licence issued for the first time in respect of a new vehicle. If a full year's licence is applied for, the fee payable will be assessed on the basis of one twelfth of the full year fee for each month or part of a month of the then current financial year which is unexpired at the date when the licence is granted. The same sub-section makes provision also for special rebates of licence fees in respect of a vehicle which is licensed after the first quarter of a financial year. S. 10 of the principal Act, which relates to licence fees, is amended by inserting in the first proviso to sub-section (1), which exempts certain vehicles from liability for licence fees, words which extend the application of such proviso to any trailer constructed and used solely for carrying any gas producer or other motive power producing plant for the driving or propelling of a motor vehicle together with the necessary fuel. Also paragraph (1) of the fourth proviso to the same sub-section (1), which makes provision for special rebates of portion of the licence fees payable in respect of vehicles used solely or mainly in connection with certain specified kinds of business undertaking, is amended by inserting words which extend the application of such paragraph (1) to vehicles used for the purpose of hauling a trailer or semi-trailer to which the paragraph applies.

S. 10 of the principal Act is further amended by inserting therein after sub-section (1) a new sub-section (1*a*) which makes provision for special rebates of licence fees payable in respect of petrol driven vehicles as distinct from vehicles propelled by a motive power other than petrol.

S. 18 of the principal Act, which *inter alia* relieves a person from liability for a penalty for driving an unlicensed vehicle on a road when he proves that he is so driving the vehicle to the place where he can obtain the necessary licence for the purpose of obtaining such licence, is amended by adding to paragraph (*a*) thereof a proviso which states that the said paragraph (*a*) will not operate to give the relief from liability for penalty aforesaid while the unlicensed vehicle is being driven in one district in which a licence is obtainable towards another district for the purpose of obtaining the licence in such last mentioned district, unless the local authority of the first mentioned district grants such person a permit to drive the vehicle in its district for the purpose aforesaid.

S. 22 of the principal Act, which provides for the licensing of drivers of motor vehicles, is amended by adding to sub-section (1) a further proviso which enacts that where an application is made for a licence to drive an omnibus or other passenger vehicle the examiner referred to in the next preceding proviso to the same sub-section must in addition to any other examination conducted in accordance with the provisions of such preceding proviso, satisfy himself by means of the special tests (if any) prescribed by regulations made under s. 46 of the Act that the applicant is qualified to drive the particular type of omnibus or other passenger vehicle in respect of which the licence is applied for.

S. 24 of the principal Act, which deals with penalties for driving a motor vehicle without holding the necessary driver's licence, is amended by deleting the second proviso to sub-section (1) and inserting a new proviso in its place.

The first proviso empowers the Commissioner of Police to issue a permit to a learner, and the original second proviso required that a learner whilst learning to drive a vehicle should be accompanied by a person licensed to drive the type of vehicle in which the learner is learning.

The new second proviso enacts that a learner's permit shall not be issued to a learner unless when applying for the permit he satisfies the licensing authority that the person who will accompany him while he is learning to drive will be a person who has held for at least a year a licence to drive the type of vehicle in which the learner is learning to drive; and also that a learner shall not drive the vehicle specified in the learner's permit issued to him on a road unless while he is so driving a person who has for at least one year been licensed to drive the type of vehicle which the learner is learning to drive sits beside the learner.

S. 25 of the principal Act, which makes it an offence for any driver of a vehicle when requested so to do by a member of the police force or a traffic inspector, to refuse his name and address or to produce his driver's licence, is amended by adding to the section a new sub-section (3).

This new sub-section imposes upon persons who witness an accident in which a motor vehicle is involved a duty to give on request to a member of the police force or a traffic inspector particulars of his name and address.

S. 28 of the principal Act, which imposes upon the driver of a motor vehicle involved in an accident a duty to stop the vehicle, and furnish certain particulars as specified in sub-section (1) of the section, is amended by deleting sub-section (1) and inserting a new sub-section (1) in its place.

The new sub-section (1) provides that where any vehicle or animal which in the course of being driven or ridden is involved in an accident by reason whereof any person is injured or the property of a person is damaged, the driver of the vehicle or animal or otherwise having the care of the vehicle or animal shall stop immediately, and if required shall produce his driver's licence and give his name and address and also the name and address of the owner of the vehicle or the animal to any person who has been injured or whose property has been damaged or to a member of the police force or a traffic inspector or to any person representing a person who has been injured or whose property has been damaged.

S. 46 of the principal Act, which empowers the Governor to make regulations in respect of the various matters specified therein, is amended by inserting at the end of paragraph (i) of sub-section (1) new sub-paragraphs (Ze), (Zf), (Zg) and (Zh). Under these new sub-paragraphs the Governor may make regulations to regulate the conveyance of petroleum spirit on roads, and in relation thereto to prescribe conditions for protecting persons and property from risk of danger or injury likely to arise from the conveyance of petroleum spirit on roads. No such regulations, however, will apply to any vehicle which is owned by any of the persons and used solely or mainly for any of the purposes mentioned in sub-paragraphs (ii) to (iv) both inclusive of the fourth proviso to sub-section (1) of s. 10 of the principal Act in respect to the carriage of petroleum spirit in metal drums or other similar containers. Also the Governor may make regulations to regulate the construction of and the classes of vehicles specially constructed for the conveyance of petroleum spirit on roads, and to regulate the construction and fitting and use upon or in connection with motor vehicles of attachments or appliances such as gas producers, filters, coolers, gas cylinders, gas bags, and other attachments and appliances which are not normally an integral part of the motor vehicle to which they are attached, and also to prescribe the maximum height for any vehicle and the maximum height of any load which may be carried on any vehicle.

S. 46 of the principal Act is further amended by inserting in paragraph (ii) of sub-section (1) after sub-paragraph (*b*) a new sub-paragraph (*b*1) which empowers the Governor to make regulations prescribing special tests in relation to any types of passenger vehicle for ascertaining the qualification of persons to drive any particular type of passenger vehicle.

S. 50 of the principal Act, which relates to the substitution of a vehicle for a licensed passenger vehicle whilst undergoing repairs, is repealed and a new s. 50 is inserted in its place. Under the original s. 50, the licence granted in respect of an omnibus or passenger vehicle while such omnibus or passenger vehicle was under repair authorized the holder of the licence with the previous consent of the Commissioner of Police or any officer acting for him to substitute another omnibus or vehicle for the omnibus or vehicle under repair and to ply for hire therewith without paying any further licence fee. Under the new s. 50 a licence granted in respect of an omnibus or passenger vehicle or goods vehicle will during any period when such omnibus or passenger vehicle or goods vehicle is under repair, authorize the holder of the licence with the previous consent of the Commissioner of Police or any officer acting for him when the omnibus or passenger vehicle or goods vehicle is licensed within the Metropolitan Area or outlying land, or with the previous consent of the local authority in whose district the omnibus or passenger vehicle or goods vehicle is licensed when the omnibus or passenger vehicle or goods vehicle is not licensed within the Metropolitan Area or any outlying land, to substitute another omnibus or passenger vehicle or goods vehicle for the omnibus or vehicle under repair and to ply for hire therewith without being required to pay a further licence fee.

A new section is inserted in the principal Act after s. 56 to stand as s. 56A. which will empower the Commissioner of Police to regulate and control the instalment or use of lights on or near roads likely to endanger or affect traffic on such roads. He may by notice require the owner of any light or the owner or occupier of any premises in which a light is installed or kept either to extinguish it or modify it or alter its character or colour or screen it or to refrain from using or keeping the light on the said premises or to do anything else which the Commissioner considers necessary or expedient to remove the risk of the light dangerously affecting traffic on the road. The person receiving such a notice must comply with the requirements thereof and failure to do so will constitute an offence. Where the person who has received notice as aforesaid fails to carry out the requirements thereof, the Commissioner can cause the notice to be complied with at the expense of the person in default. For the purposes of this section " light " includes any fire, lamp, light, illuminated sign, street light or other mechanical manufactured or constructed illumination, and also the glow from any such light.

Part I relates to licence fees and Part III relates to the formula for computing the weight of vehicles for licensing purposes.

Water Boards.—No. 10 of 1941 amends the Water Boards Act, 1904–1937. S. 36 of the principal Act which vests certain powers in the Minister charged with the administration of the Act is repealed and a new section is inserted in its place.

The original s. 36 was a very short one which provided in general terms that the Governor might by Order-in-Council place under the temporary management and control of a water board or may vest absolutely in a water board any water reserve or catchment area or any water works or reservoir constructed or provided for out of moneys appropriated by Parliament, and that whilst such an Order-in-Council continued in force such reserve, catchment area, water works, or reservoir should be deemed to be the property of the water board and should be used by it for the purposes of the Act. The new s. 36 enacts that the Governor may by Order-in-Council: (*a*) place under the temporary management and control of a water board or vest absolutely in a water board any water works or reservoir constructed or provided for out of moneys appropriated by Parliament; (*b*) Constitute any portion of the State a water reserve or catchment area and define the boundaries thereof; (*c*) Where such a water reserve or catchment area comprises only lands of the Crown which have not been alienated, place such water reserve or catchment area under the temporary management and control of a water board or vest the same absolutely in a water board; (*d*) Where such a water reserve or catchment area comprises either in whole or in part land which has been alienated from the Crown, place such water reserve or catchment area under the temporary management or control of a water board. The new section further provides that where any water reserve or catchment area constituted under such section contains a source of water supply which is or may be used to meet the requirements both of a water board and of an irrigation board constituted under the Rights in Water and Irrigation Act, 1914–1939, and any question may be likely to arise between such boards concerning the taking of water from such source of water supply the Governor may by Order-in-Council place the water reserve or catchment area under the management and control of the water board or vest the same in the water board subject to the right of the irrigation board to take for its purposes such quantity of water from the said source of water supply as the Minister may determine. The new section also provides that any water works or reservoir and any water reserve or catchment area vested in a water board under the section shall while the Order-in-Council continues in force be deemed to be the property of the water board and may be used accordingly; and that any water works or reservoir and any water reserve or catchment area placed under the management and control of a water board by an Order-in-Council under the section may while the Order-in-Council remains in force be used or administered by the water board for the purposes of the Act.

Finally the expression "water reserve or catchment area" is defined to mean any land over, through or under which any water flows, runs or percolates directly or indirectly into any water course or reservoir used or erected in connection with any water supply.

S. 37 of the principal Act, which provides that water boards shall have the powers of local boards of health for preventing the pollution of water within a water reserve or catchment area is amended by inserting therein words the effect of which is to limit the exercise by the water board of the said powers to water reserves or catchment areas which have been placed under the management or control of or vested in the water board.

S. 38 of the principal Act, which makes it an offence for a person to divert water from a water reserve or catchment area, is similarly amended so as to restrict the application of the section to water reserves or catchment areas which have been placed under the management or control of or vested in a water board.

S. 120 of the principal Act, which imposes on a water board a duty to create a sinking fund for the repayment of a loan raised by the board, is amended by adding thereto a proviso which empowers a water board to arrange for the repayment of a loan and the interest thereon by periodical instalments as an alternative to creating a sinking fund.

A new section is inserted in the principal Act after s. 123 to stand as s. 123A whereby a water board pending the collection of rates or the receipt of subsidies or grants payable by the Government to the board may obtain advances from a bank by overdraft of its current account up to an amount not exceeding one third of the amount of its ordinary revenue for the then last preceding year for the purpose of commencing carrying on or completing works.

Weights and Measures.—No. 7 of 1941 amends ss. 28 and 46 of the Weights and Measures Act, 1915, as amended by s. 14 of the Act No. 42 of 1926 and reprinted in the Sessional Volume of the Statutes of Western Australia for the year 1926.

S. 28 in the reprint, which was originally s. 25 of the principal Act and deals with verification and stamping of weights and measures and was amended by the Act No. 42 of 1926, is further amended by deleting sub-section (3) and inserting in lieu thereof a new sub-section (3). The previous sub-section (3) provided that for the purposes of s. 28 and the three next following sections in the reprinted Act every weighing or measuring instrument open for use by the public or for the use of which a charge is made was to be deemed to be in use for trade. The new sub-section (3) provides that for s. 28 and the next three following sections of the reprinted Act the expression "weighing or measuring instrument used for trade" shall include: (*i*) every weighing or measuring instrument used in the ordinary course of trading by a person carrying on trade for the weighing or measuring of any articles of trade; and (*ii*) every weighing or measuring instrument the use of which can be obtained by any member of the public upon payment of a fee or charge for the purpose of weighing or measuring any articles of trade; and (*iii*) every weighing instrument intended for use primarily for the purpose of weighing human beings and the use of which for such purpose is made open to any member of the public (either upon or without payment of a fee or charge) by the person owning or having the possession, control or care of the instrument. Also the new sub-section (3) provides that the expression "use for trade" when applied to a weighing or measuring instrument includes the use of such instrument for any purpose mentioned in paragraphs (*i*), (*ii*) and (*iii*) above.

S. 46 in the reprint, which was originally s. 45 in the principal Act and provided that where a person carrying on trade is found in possession of a weighing or measuring instrument he shall be deemed to have such instrument in his possession for use for trade, is repealed and a new s. 46 is inserted in lieu thereof.

The new s. 46 re-enacts the original provision and in addition enacts that a person shall be deemed to have a weighing or measuring instrument in his possession for use for trade when any weighing or measuring instrument the use of which can be obtained by any member of the public upon payment of a fee or charge for the purpose of weighing or measuring any articles of trade, or any weighing instrument primarily used for weighing human beings is found in the possession of such person in circumstances which indicate that the instrument is open for the use of the public.

Wills of Soldiers, Sailors and Airmen.—No. 20 of 1941 cited shortly as the Wills (Soldiers, Sailors and Airmen) Act, 1941, amends the law with reference to testamentary dispositions of soldiers, sailors and airmen.

S. 2, in order to remove doubts as to the construction of the Wills Act, 1837 (7 Will. 4 & Vict. C. 26 as adopted by 2 Vict. 1), declares and enacts that s. 11 of that Act authorizes and always has authorized any soldier being in actual military service, or any mariner or seaman being at sea, to dispose of his personal estate as he might have done before the passing of the Wills Act, 1837, though he is under the age of twenty-one years.

S. 3 enacts that s. 11 of the Wills Act, 1837, shall extend to any member of His Majesty's naval or marine forces not only when he is at sea, but also when he is so circumstanced that if he were a soldier he would be in actual military service within the meaning of that section.

S. 4 enacts that a testamentary disposition of any real estate in Western Australia made by a person to whom s. 11 of the Wills Act, 1837, applies, and who dies after the passing of this new Act, shall, notwithstanding that such person was under twenty-one years of age when he made such disposition or that the disposition has not been made in such manner or form as was at the time of the passing of this new Act required by law shall be valid in any case where such person was of such age and the disposition has been made in such manner and form that if the disposition had been a disposition of personal estate made by such person domiciled in Western Australia it would have been valid.

S. 5 enacts that where a person dies after the passing of this new Act having made a will which is or which if it had been a disposition of property would have been rendered valid by s. 11 of the Wills Act, 1837, any appointment contained in that Will of any person as guardian of the infant children of the testator shall be of full force and effect.

S. 6 enacts that a person who being then under twenty-one years of age has made a will which is rendered valid by s. 11 of the Wills Act, 1837, and this new Act and who thereafter ceases to be a person to whom s. 11 of the Wills Act, 1837, as explained and extended by this new Act applies, may revoke such will although at the time of such revocation he is still under twenty-one years of age in any manner (other than by the making of another will) in which the Wills Act, 1837, provides that a will may be revoked.

S. 7 provides that for the purposes of s. 11 of the Wills Act, 1837, and this new Act, the expression " soldier in actual military service " shall include any man who by the terms of his enlistment is liable for service beyond the limits of the Commonwealth of Australia as a member of the Military or Air Forces or the Army Medical Service of the said Commonwealth or of any other part of His Majesty's Dominions, and that references in the new Act to the said s. 11 shall include a reference to that section as explained and extended by the new Act.

Workers' Compensation.—No. 36 of 1941 amends the Workers' Compensation Act, 1912–1939, as reprinted with amendments to date in the Appendix to the Sessional Volume of the Statutes of Western Australia for the year 1937.

S. 4 in the reprint which contains definitions is amended by making amendments in the definition of "worker." Previously a person, whose annual remuneration from all sources exceeded £400 per annum could not be a worker within the meaning or for the purposes of the principal Act. In consequence of the amendment the maximum amount of remuneration which a person may receive and be a worker within the meaning and for the purposes of the principal Act has been raised from £400 per annum to £500 per annum.

New ss. 20A and 20H have been inserted in the principal Act after s. 20 of the reprint. S. 20A provides for the appointment of a Committee to be called the "Medical Register Committee" which will consist of five members, including a Judge of the Supreme Court or a Magistrate of the Local Court as Chairman, two representatives to be nominated by the Governor in Council, and two medical practitioners registered under the Medical Act, 1894, and nominated by the British Medical Association. A quorum will consist of the Chairman and at least one of the members nominated by the Governor and one of the said medical practitioners. The members of the Committee will hold office for two years.

S. 20B requires the said Committee to establish and keep a register which will be known as the "Workers' Compensation Medical Register" and provides that all medical practitioners who are registered or become registered under the Medical Act, 1894, shall be registered in the Register established under s. 20B aforesaid and thereupon shall be subject to the provisions of the principal Act as now amended and the regulations made thereunder.

S. 20C enacts that a medical practitioner whose name is not on the said Register under the principal Act shall not be entitled to charge, receive or recover any professional fees or expenses in respect of his treatment of or attendance on a worker in relation to any injury for which the worker is receiving or entitled to receive workers' compensation unless the treatment or attendance has been rendered or bestowed in a case of sudden emergency.

S. 20D empowers the Committee upon a complaint in writing by a worker or by his employer, or, where a worker is unable for any reason deemed sufficient by the Committee to make the complaint himself, by any near relative of the worker, or by any person authorized by the Minister and provided the complaint is made within twelve months after the occurrence giving rise to the complaint, to hold an inquiry into the conduct of any registered medical practitioner with respect to the treatment of or attendance on the worker, or the expenses or fees charged for any such treatment or expense. As a result of any such inquiry the name of the medical practitioner concerned may be erased from the Register either for an indefinite period or for a limited period, or a fine or other penalty may be imposed on the medical practitioner by the Committee. The maximum amount which the Committee may impose as a fine is £50, and a fine may be recovered summarily in a Court of Petty Sessions. The expression "treatment of or attendance on a worker" means medical or surgical treatment of or attendance on a worker with respect to an injury for which the worker is receiving or entitled to receive workers' compensation. The expression "near relative" as used in the section is also defined. If the Committee dismisses the complaint it can order the complainant to pay the costs of the medical practitioner against whom the complaint has been made as taxed by the Master of the Supreme Court.

S. 20E enacts that provision may be made by regulations to be known as the Medical Register Regulations for regulating the meetings and proceedings of the Committee and the conduct of its business; for enabling the Committee to establish the Register for the registration of medical practitioners, the removal from the Register of the name of any medical practitioners as a consequence of any decision of the Committee, and the re-registration of any medical practitioner whose name has been removed, for providing for the fees and expenses payable to the members of the Committee and with respect to establishing and maintaining the register, for regulating the conduct of inquiries by the Committee, and generally for carrying into effect the functions of the Committee.

S. 20F enacts that when exercising its power of inquiry the Committee shall be deemed to be a Royal Commission and shall have and may exercise all the powers given to a Royal Commission by the law of the State.

S. 20G relieves the Committee and the individual members from liability to any suit or action or to pay any claim or demand made or brought against them by any person with respect to anything lawfully done or omitted by the Committee or any individual member under the provisions of the principal Act as amended.

S. 20H provides for the payment of fees payable to or expenses incurred by the Committee out of the Consolidated Revenue, and for the total amount paid each year to be recouped from all insurance companies undertaking with the approval of the Minister insurance business under the principal Act, and from employers or groups of employers who are exempted from the operation of s. 10 of the principal Act which imposes upon employers a duty to obtain insurance against their liability to pay Workers' Compensation to their employees. The amount to be recouped by the various insurance companies and employers aforesaid will, in the case of the insurance companies, be assessed pro rata with the amount of the premiums received by them respectively, and in the case of employers pro rata with the amounts of the premiums which they would have had to pay in the year if they had obtained insurance from the State Government Insurance Office.

Various amendments are also made in the First Schedule to the principal Act. One of these major amendments clarifies the provisions in the First Schedule relating to the method of assessing the amount of weekly workers' compensation to be paid to an injured worker. Another amendment substitutes for the previous provision, which makes an employer liable for hospital charges incurred by an injured worker, a new provision which provides varying amounts so payable according to the various districts in which hospitals are situated, and imposes on employers liability to pay certain travelling and sustenance expenses incurred by workers having to travel away from home to receive medical and hospital attention.

Workers' Homes.—No. 44 of 1941 amends the Workers' Homes Act, 1911–1938. S. 3 of the principal Act is amended by deleting the definition of "worker" and inserting a new definition in its place. In the previous definition, a person receiving more than £400 a year in salary, wages or other income was excluded from the benefits of the Act. Under the new definition where a person otherwise within the provisions of the Act has any child or children, the limit of £400 will for the purposes of the definition be increased by twenty-five pounds in respect of such child or each of such children. S. 8 of the principal Act is repealed and a new section is inserted in its place.

The previous s. 8 empowered the Workers' Homes Board to cause dwelling houses to be erected on land dedicated to the purposes of the Act at a cost, exclusive of the cost of sewerage connections, not exceeding £800. The new s. 8 is substantially a re-enactment of the previous section, but under the new section the Board may erect dwelling houses on dedicated land at a cost, including the cost of sewerage connections, not exceeding £900.

S. 11 of the principal Act is repealed and a new section is inserted in its place. The previous section, which authorized the Board to grant to workers as defined in the Act leases of dwelling houses erected by the Workers' Homes Board, provided that the land on which the dwelling house is erected after being appraised, be let to the applicant under a perpetual lease subject to reappraisement every 20 years, and that the rental payable under the lease should be three per centum per annum on such appraisement or reappraisement.

Under the new section the rental payable will be calculated at a rate per centum per annum on the appraisement or reappraisement to be prescribed by regulations. Under the previous s. 11, the capital cost of the dwelling house with interest thereon at the rate of five per centum per annum was payable by the lessee by instalments extending over 30 years or such other period as the Minister might direct. Under the new section the interest on the capital cost of the dwelling house to be paid by the lessee will be five per centum per annum or any other rate per annum as may be prescribed by regulations, and the instalments will extend over 35 years instead of 30 years as previously was the case.

The previous s. 11 did not contain any provision which enabled a lessee to acquire the freehold estate of the land let to him on a perpetual lease. Under the new section a lessee may acquire the freehold estate of the said land by paying off the whole of the capital cost of the dwelling house, the interest due thereon and a sum equal to the last appraised value of the land. S. 14 of the principal Act, which specifies certain covenants on the part of the lessees which shall be contained in every lease of a dwelling let by the Workers' Homes Board, is amended by substituting £900 for £800 in paragraph (iii) of sub-section (2) of the section. The said paragraph (iii) contains a proviso to be included in the lease whereby the Board is empowered to effect repairs to a dwelling house when the lessee makes default in so doing, even though the cost of such repairs may raise the total capital expenditure on such dwelling house above the sum limited by the Act. Previously that limit was fixed at £800; by the amendment it is raised to £900.

S. 24 of the principal Act, which originally authorized the Board to make advances to workers to enable them to purchase or erect homes but by various subsequent amendments was enlarged to enable the Board to erect and sell dwelling houses to workers, is repealed and a new section is inserted in its place.

The new section virtually re-enacts the previous section as amended in a re-arranged form, but increases the maximum sum which the Board may advance under the section from £800 to £900.

S. 29 of the principal Act, which contains provisions relating to mortgages taken by the Board to secure advances made by the Board, is amended by deleting paragraph (*h*) and inserting a new paragraph in its place. The original paragraph (*h*) provided that a mortgagor may, irrespective of the prescribed instalments payable by him, repay the mortgage debt by additional payments of £10 or multiples of £10 with a consequential adjustment in the amount of subsequent prescribed instalments made necessary by the reduction in the amount of interest included in such prescribed instalments. The new paragraph (*h*) provides that irrespective of the prescribed instalments payable the mortgagor may from time to time pay to the Workers' Homes Board any sum in excess of the prescribed instalments in repayment of the mortgage debt to be paid by the Board to the credit of the mortgagor into the advance Instalment Deposit Fund established by the Board under s. 45A of the principal Act, and to be applied and dealt with in accordance with the provisions of that section. Subject to the said section no such payment will relieve the mortgagor of his obligation to pay the prescribed instalments or reduce the amount of the interest payable by the mortgagor under the mortgage.

Minor consequential amendments rendered necessary by amendments in earlier sections of the principal Act are made in ss. 32 and 34.

A new s. 45A is inserted in the principal Act after s. 45 and provides for the establishment by the Board of the Advance Instalments Deposit Fund referred to in the new paragraph (*h*) of s. 29. The Fund will be kept at the State Treasury and be administered by the Workers' Homes Board. Whenever any lessee, purchaser or mortgagor pays in respect of his liability to the Board any sum in excess of the prescribed instalments payable by him to the Board, the Board will pay such sum into the said Fund to the credit of the payor. While any such sum shall remain in the said Fund to the credit of the payor, the same will be credited with compound interest calculated yearly at a prescribed rate. Deposits and interest accumulated in the Fund to the credit of any payor aforesaid will at his request be available for the payment of: (*a*) Any instalments as they fall due; or (*b*) Any arrears of instalments; or (*c*) Expenses incurred for repairs, renovations, or additions to the dwelling occupied by the payor; or (*d*) Rates and taxes assessed in respect of the land and dwelling occupied by the payor; or (*e*) Any other expenses incurred by the payor with the approval of the Board in connection with the land or dwelling occupied by him. The new section further provides that if at any time the deposits and interest accumulated to the credit of a lessee, purchaser or mortgagor in the said Fund amount to such sum as is not less than the capitalized value of the whole of the existing and future liability of the lessee, purchaser or mortgagor in connection with a lease, contract of sale, or advance the Board may forthwith apply that sum in discharge of such liability, and, in the case of a lease, may grant a certificate of purchase, in the case of the sale of the freehold interest may grant a transfer of the property, or a discharge of the mortgage as the case may be.

There is a proviso to the section to the effect that where the liability of a purchaser or mortgagor is discharged as aforesaid within five years of the date of the lease or of the contract of sale or of the making of the advance as the case may be, the Workers' Homes Board may prior to the expiration of that period of five years refuse to grant a certificate of purchase, or a transfer of the property or a release of the mortgage as the case may be.

1942-1943

DURING this period forty-eight Acts were passed.

Administration.—No. 21 of 1942 amends ss. 33, 98A and 138 of the Administration Act, 1903–1941. S. 33 of the principal Act, which deals with the case of an executor or a person who being entitled to probate or administration is out of the jurisdiction but has any attorney within the jurisdiction, is amended by the inclusion of words the effect of which is to enable the provisions of the section to be extended to a person entitled to probate or administration who is a member of the naval or military or air forces of His Majesty (including a member of any medical corps nursing service attached to any of the forces aforesaid) and who is within the jurisdiction but has an attorney within the jurisdiction. The necessity for this amendment arose from the circumstances of the present war. Executors and persons entitled to probate or administration although still within the jurisdiction were as members of the forces stationed in remote areas of the State and were unable to carry out their duties as executors or administrators. By virtue of the amendment such persons can appoint an attorney living in close proximity to Perth or the trust estate to whom the Court may grant probate or administration on behalf of the person entitled thereto.

S. 98A of the principal Act, which provides for reduction in rates of death duties payable in respect of the estate of deceased persons who were members of the Naval, Military or Air Forces of His Majesty in certain circumstances, is amended so as to extend the provisions of the section to the estates of deceased persons who were members of the Naval, Military or Air Forces of an Ally of Great Britain, and by adding to sub-section (1) of the section a paragraph which provides that where the question as to whether the death of any person is or is not the result of such person being engaged on active service abroad in war time (which is a material condition of the application of the section) has been finally determined for the purposes of the Australian Soldiers' Repatriation Act, 1920–1941, of the Commonwealth of Australia by an authority constituted under that Act, the certificate by that authority that such person has or has not so died shall for the purposes of the principal Act be conclusive evidence of the fact so stated therein.

S. 138 of the principal Act, which makes provision enabling an executor or administrator residing within the jurisdiction to appoint an attorney to act for him during the temporary absence of such executor or administrator outside the jurisdiction, is amended by adding a sub-section which extends the provisions of the section to executors or administrators who having become members of the Naval, Military or Air Forces of His Majesty are prisoners of war or are posted as missing or otherwise are unable or able only with great difficulty to appoint an attorney. In such case the new sub-section empowers the Court on the application of a co-executor or a beneficiary or a creditor or any next of kin to appoint such co-executor or some other person resident in the State to have and exercise all or such of the powers, duties and discretions of such executor or administrator for such period as the Court may direct.

Albany Reserve Allotments.—No. 8 of 1942 relates to a Reserve of Crown Land No. 2676 situate near Albany in the Southern part of the State. The reserve was in the year 1919 vested in the Municipality of Albany in trust for recreation and camping with power to the Municipality to lease the whole or any portion of the reserve for any term not exceeding twenty-one years from the date of the lease. The Municipality in exercise of that power had from time to time leased to various persons portions of the reserve to enable such persons to erect and use dwelling houses thereon and many of such leases were still subsisting. Such lessees have at their own expense erected permanent homes upon the portions of land leased to them and desired to acquire an estate in fee simple in such portions of the reserve. These facts are stated in a special preamble in the Act, which has been passed for the direct purpose of enabling the said lessees to acquire the fee simple of the land in the reserve now held by them under lease from the said Municipality, subject to certain conditions.

S. 4 cancels the said reserve and revests the land comprised therein in the Crown subject, however, to all subsisting leases granted by the Municipality whilst the reserve was vested in it.

S. 5 preserves to lessees the benefit of the said subsisting leases as held by them but substitutes the Minister of Lands for the Municipality as the lessor.

S. 6 gives to every such lessee the right, subject to certain conditions, to acquire the fee simple estate in the land held by him under his lease. The said conditions are set forth in sub-section (2) of the section. These conditions include the following: (*a*) The lessee must give the Minister notice in writing of his intention to acquire such interest in the land within six months after the commencement of the Act or before the expiration of his lease, whichever is the shorter period; (*b*) The amount of the purchase price will be fixed by the Governor on the recommendation of the Minister on the basis of the unimproved value of the land, and the Minister must inform the lessee of such amount; (*c*) If the lessee is willing to pay such purchase price he must within one month after being advised of the amount payable notify the Minister of his intention to acquire the land at such price; (*d*) The purchase price may be paid in one sum or by instalments at the option of the lessee; (*e*) If the lessee elects to pay the purchase price in one sum, the full amount thereof must accompany his notice to the Minister of his intention to purchase at the price fixed; (*f*) If the lessee elects to pay the purchase price by instalments he must notify the Minister accordingly when giving him notice of his intention to purchase, and at the same time pay a deposit equal to ten per centum of the purchase price; (*g*) The balance of the purchase price will then be payable in eight equal quarterly instalments commencing not later than three months after the date of the payment of the said deposit; (*h*) Upon payment of the purchase price in full the lessee will be entitled to receive from the Governor a grant of the land in fee simple; (*i*) If a lessee fails to give notice of his intention to acquire the land in fee simple or having given such notice fails to comply with any of the above mentioned conditions, the lessee will lose his right to acquire such land in fee simple. S. 7 enacts that where in respect of any portion of the land comprised in the cancelled reserve a lessee has lost his right to acquire such land in fee simple, such land may be dealt with as unalienated Crown land under the provisions of the Land Act, 1933–1939.

Bush Fires.—No. 16 of 1942 amends the Bush Fires Act, 1937–1940. S. 9 of the principal Act, which authorizes the Governor to declare times of the year during which it shall be unlawful to set fire to the bush in any specified district or portion of the State, is amended in sub-section (3) of the section by extending from six to eight weeks the period of suspension from the operation of the Governor's declaration aforesaid which the Governor may grant under the subsection in relation to any land comprised in a railway reserve or under the control of the Conservator of Forests.

The same section is also amended by inserting therein after sub-section (3) a new sub-section (3*a*). The new sub-section (3*a*) empowers the Minister by notice in the *Gazette* at any time after the declaration by the Governor of the prohibited times for any year as aforesaid and before the commencing date of such prohibited times, to postpone until a later date the commencing date of such prohibited times in any district or part of the State when he considers that seasonal conditions warrant such postponement.

S. 10 of the principal Act, which imposes penalties for lighting fires during the prohibited times, is amended by deleting from sub-section (2) thereof the whole of paragraph (*b*) and inserting in lieu thereof a new paragraph (*b*).

The former paragraph (*b*) permitted a person during the prohibited times in any yearly period prior to December 15 in such yearly period and between the hours of 8 o'clock p.m. and midnight of the same day and with the approval of the local authority in whose district the burning is to take place: (*i*) to burn the bush on any road reserve between the road formation and an established fire break; and (*ii*) to burn the bush on any grassland of one chain in width on the land of such person between two fire breaks each not less than six feet wide: for the purpose of protecting from damage by fire his pasture or crop.

The new paragraph (*b*) enables a person to carry out the same burning for the same purposes during the prohibited times before December 15 in any yearly period when the prohibited times commence before that date, and during the first fourteen days of the prohibited times when such times commence after December 15 in a yearly period, and to carry out such burning at any time between sunrise and midnight of the same day.

S. 16 of the principal Act, which generally prohibits the lighting of fires in the open air during the prohibited times, but permits such lighting of fires during such times for certain specified purposes upon and subject to special conditions, intended to ensure that any such fire will not escape and cause damage, is amended in paragraph (*c*) of sub-section (1) of the section. The said paragraph (*c*) prescribes the precautions to be taken when a fire is lighted in the open air for the conversion of bush into charcoal. Formerly the person lighting the fire had to adopt one of two alternative measures, that is to say, he must take certain specified precautions *or* take steps as directed by a bush fire control officer or forest officer. Under the said paragraph (*c*) as now amended such person must not only take the precautionary measures expressly prescribed in the paragraph but also he must take further steps as directed by a bush fire control officer or a forest officer.

S. 17 of the principal Act, which particularly deals with the burning of tomato plant refuse, is amended in sub-paragraph (iv) of paragraph (*d*) of the section. Formerly the said sub-paragraph (iv) stipulated that the burning of tomato plant refuse should be carried out only between 8 o'clock p.m. and midnight of the same day. The amendment now empowers the Governor to prescribe by regulations other hours for such burning operations.

A new s. 17A is inserted in the principal Act after s. 17 and makes provision for the burning of plants during the prohibited times in order to prevent or eradicate disease arising or likely to arise from such plants or the refuse thereof.

The section provides that when in the opinion of the Minister it is desirable that any plant or the refuse thereof should be burnt for the purposes aforesaid, the Governor may on the recommendation of the Minister and by proclamation authorize the burning of any specified plant and the refuse thereof during the prohibited times or during any period of the prohibited times which is stated in the proclamation. Such a proclamation may be declared to operate either generally or only in certain particular road districts which are named therein; and every such proclamation may be revoked, amended or varied at any time by a subsequent proclamation. Any burning authorized by such a proclamation must be carried out in accordance with regulations, and any person who fails to comply with such regulations when carrying out such burning will be guilty of an offence.

S. 21 of the principal Act, which authorizes local authorities to expend moneys in connection with control and extinguishment of bush fires, is amended by inserting therein after paragraph (*e*) a new paragraph (*e*1) which authorizes a local authority to expend moneys in assisting the occupier of any farm lands within its district to acquire appliances, equipment and apparatus for the prevention, control and extinguishment of bush fires upon or threatening his land, including the sale, loan or exchange to such occupier of appliances, equipment and apparatus belonging to the local authority.

S. 39 of the principal Act, which specifies the officers who may institute prosecutions for offences against the Act, is amended so as to include, in addition to the officers specifically mentioned, any other person whom the Minister may authorize to institute such prosecutions.

Business Names.—No. 2 of 1943, cited shortly as the Business Names Act, 1942, is a new Act which will take the place of the Registration of Firms Act, 1897–1940, which is repealed thereby, and will provide for the registration of firms, individuals and corporations carrying on business under business names, and relates to the names, styles, titles or designations under which businesses are carried on.

S. 3 contains various definitions and *inter alia* defines " business " as including trade and profession, " business name " as meaning the name, style, title or designation under which any business is carried on, " firm " as meaning an unincorporated body of two or more individuals or one or more individuals and one or more corporations, or two or more corporations who or which have entered into partnership with one another, and " individual " as meaning a natural person and not including a corporation.

The Act is divided into three Parts as follows: Part I, Section 1 to 3 Preliminary; Part II, Sections 4 to 22, Registration of firms, individuals and corporations carrying on business under business names; and Part III, Sections 23 to 27, use of certain words in the names, etc., of firms, etc.

S. 4 requires that every firm having a place of business in Western Australia and carrying on business under a business name which does not consist of the surnames of all the partners who are individuals together with their Christian names or initials thereof and the corporate names of all partners (if any) which are corporations without any addition, and also every individual having a place of business in Western Australia and carrying on business under a business name which does not consist of his surname together with his Christian names or the initials thereof without any addition, and also every corporation having a place of business in Western Australia and carrying on business under a business name which does not consist of its corporate name without any addition, shall be registered under the Act.

A proviso to the section states that registration shall not be necessary where the addition to the names of individuals in a business name merely indicates that the business is carried on in succession to a former owner of the business, or where the business is carried on by an official receiver or a trustee in bankruptcy or a receiver, manager or other person appointed by any Court to carry on the business.

The same proviso also declares that a purchase or acquisition of property by two or more persons as joint tenants or tenants in common will not of itself be deemed carrying on a business whether or not the owners share any profits arising from the sale thereof.

S. 5 enacts that where a firm, individual or corporation having a place of business in Western Australia carries on business wholly or mainly as attorney, nominee or trustee of or for another firm, individual or corporation or acts as general agent for any foreign firm, the first mentioned firm or individual or corporation shall be registered. This section, however, shall not apply when the business is carried on by an official receiver or trustee in bankruptcy or by a receiver, manager or other person appointed by the Court to carry on the business.

S. 6 provides (*a*) that registrations under the former Registration of Firms Act, 1897–1940, which were in force at the time of the commencement of this Act, shall operate and have effect as registrations under this Act for a period of one year after the commencement of this Act, but before the termination of that period fresh registrations under this Act shall be applied for, and (*b*) that registrations under this Act shall remain in force for three years only, and shall be renewed every three years.

S. 7 prescribes the various particulars which an applicant for registration must furnish in his application. It also provides that if any person engaged in carrying on the business in relation to which the registration is applied for is a minor, the date of his birth must also be furnished; and that where a business is carried on under two or more business names separate applications for registration must be made in relation to each such business name.

S. 8 specifies the person who shall sign an application for registration according as the application is made by a firm, individual or corporation, and also the persons who shall be competent to witness the signing of the application.

S. 9 provides that, except in the case of a new registration under this Act of a firm, individual or corporation already registered under the Registration of Firms Act, 1897–1940, when this Act comes into operation, registration as required by this Act shall be obtained before the firm, individual or corporation concerned commences to carry on business.

S. 10 enacts that if any firm, individual or corporation liable to register under this Act fails to do so it shall, quite apart from its liability for an offence, be under a continuing obligation to effect the requisite registration.

S. 11 requires that the registered business name shall be used in all matters connected with or relating to the business carried on and shall be painted or affixed on the outside of every office or place in which the business is carried on in a conspicuous place and in easily legible letters. Also that where the business name of an individual does not include his surname, his surname together with his Christian names or the initial letters thereof must also be painted or affixed as aforesaid along with the business name. Where the business name of a firm does not include the surname of one of the individual members of the firm, there must also be painted or affixed as aforesaid along with the business name the surnames together with the Christian names or initial letters thereof of all individual members of the firm, and the corporate name of any corporation which is a member of the firm. Where the business name of a firm composed of corporations does not include the corporate name of one of the members, there must also be painted or affixed as aforesaid along with the business name the corporate names of all the members of the firm.

S. 12 makes provision for registration of a change in a firm, individual or corporation registered under the Act. Whenever any such change occurs the firm, individual or corporation concerned must within 14 days thereof furnish to the Registrar in writing a statement specifying the nature and date of the change.

S. 13 deals with the removal of names from the register. If any firm, individual or corporation registered or deemed to be registered ceases to carry on business or abandons the use of the business name, the partners of the firm or the individual or his legal representative or the corporation or its successor as the case may require must within one month after the business has ceased to be carried on, or the business name has been abandoned as the case may be serve the Registrar with notice of such cessation of business or abandonment of the business name. On receipt of such notice the Registrar may cancel the registration of the firm, individual or corporation.

S. 14 empowers the Registrar to strike off the Register the names of defunct firms.

If he has reasonable cause to believe that a registered firm, individual or corporation is not carrying on business under its registered business name, he may send to the firm, individual or corporation at its or his address shown in the Register a notice inquiring whether it or he is still carrying on business under the registered business name, and stating that unless an answer is received to such notice within one month from the date thereof the registration may be cancelled.

If the Registrar receives a reply that the business is not being carried on under the registered business name or does not receive a reply at all within the stipulated period he may cancel the registration. He may at any time thereafter, however, revoke or annul any such cancellation and restore the name of the firm or individual or corporation to the register.

The Registrar may also cancel the registration of any corporation the name of which has been struck off any register of companies kept under the Companies Act of the State, or the registration of any firm, individual or corporation convicted of making default without reasonable excuse in sending the Registrar any statement required by the Act, or the registration of any firm the partners or any partner of which are or is or of any individual who is, or any corporation the directors or any director of which are or is convicted of an offence against the Act, or the registration of any firm or corporation which is dissolved or deemed to be dissolved.

In the event of any cancellation of registration as aforesaid the firm, individual or corporation affected may apply to the Supreme Court, and that Court may, if it think fit so to do, order the cancelled registration to be restored.

S. 15 fixes the penalties which may be imposed in relation to defaults by firms, individuals or corporations in respect of the requirements of the Act. It enacts that every partner in the firm or the individual in default shall be liable to a daily penalty up to £5 whilst the default continues, and that the Court when imposing the penalty shall order the defendant to make good the default.

S. 16 deals with the matter of a firm, individual or corporation taking any legal proceedings whilst it or he is in default with respect to any of its or his obligations under the Act. The Court in which the proceedings are commenced must order the party so in default to make good his default, and may stay all proceedings until its order has been complied with. The power given to the Court by this section may in the case of the Supreme Court be exercised by a Judge in Chambers, or in the case of a local court by a Magistrate thereof in Chambers, or in the case of a Court of Petty Sessions by a Magistrate in Chambers or by two or more Justices of the Peace sitting in Petty Sessions. Where any firm, individual or corporation liable to register under the Act fails to do so all proceedings in any court of competent jurisdiction may be taken and prosecuted against such firm, individual or corporation in the name under which it or he is carrying on business, and for the purposes of such proceedings such name will be a sufficient designation of such firm, individual or corporation.

S. 17 makes it an offence for any person to make any false statement in connection with any statement or notice required by the provisions of the Act.

S. 18 empowers the Registrar to require any person, or in the case of a corporation the secretary thereof to furnish to him such particulars as appear necessary to him for the purpose of ascertaining whether or not such person or the firm or the corporation as the case may be should be registered or any alteration should be made in the registration. Failure to comply with such requisition will be an offence. Where the information supplied to the Registrar indicates that registration or an alteration in the registration is necessary, the Registrar can require the person, firm or corporation concerned to furnish the particulars requisite under this Act for the purposes of such registration or alteration in the registration within a specified time, and failure to do so will be an offence.

S. 19 imposes on the Registrar a duty to keep a proper register and index of registrations and when a registration is effected to grant a certificate of registration to the person, firm or corporation registered.

This section also imposes on a registered person, firm or corporation a duty to keep its certificate of registration exhibited in a conspicuous position at his or its principal place of business.

S. 20 makes provision for allowing searches of the register by any person and the issue to any person of certificates of registration or non registration of any person, firm or corporation on payment of a prescribed fee, and enacts that the said register and any such certificates shall be admissible as prima facie evidence of their contents in all Courts.

S. 21 confers upon the Registrar general power to correct errors which may be found in any register or certificate. Where an error is corrected or any registration is cancelled the Registrar may by notice require the person, firm or corporation concerned to deliver up his or its certificate of registration to be corrected or cancelled as the case may be. Failure to comply with such a request will be an offence.

S. 22 provides that where any offence against the Act is committed by a corporation with the consent or approval or has been facilitated by any neglect on the part of any director, manager, secretary or other officer of the corporation, he as well as the corporation shall be deemed to be guilty of the offence and may be prosecuted accordingly.

Part III, ss. 24 to 28, deals with the use of certain words in the names of persons, firms and corporations.

S. 24 prohibits the use in the business name of any person, firm or corporation of the word "Royal," "King," "Queen," "Crown," "Empire," "Imperial," "Commonwealth" or "State," or any word which, in the opinion of the Registrar, suggests or is calculated to suggest the patronage of His Majesty or any member of the Royal Family, or Government support or patronage, unless the Governor by order consents to the use of such word in such business name. The prohibition, however, will not apply so as to prevent the continuance of the use by any person, firm or individual, or his or its successor in interest of any of the words above mentioned, other than the word "Commonwealth" or the word "State" in any business name under which he or it was registered under the Registration of Firms Act, 1897–1940, prior to December 16, 1940. The consent of the Governor as provided for under this section shall not be granted if in the opinion of the Governor the use of the prohibited word in the business name would imply or be likely to convey the impression that the person, firm or corporation using the business name is or will be wholly or partly authorized or supported by or connected with His Majesty's Government in any part of His Majesty's Dominions.

The section also prescribes the manner in which and the person to whom applications for the consent of the Governor shall be made.

S. 25 prohibits the use in a business name of the words "saving," "savings," "savings bank," "savings institution," "savings department" or "savings section" as part of the designation or title or as a description of the business or of any department, section or other part of the business of a person, firm or corporation. Also the word or title of "bank," "banker," "banking company," "banking house," "banking association," "banking institution" or words of like import, or the word "proprietary," "co-operative," "trust," "trustee," "guarantee" or "fidelity" or words of like import as part of the designation or title or as the description of the business of a person, firm or corporation.

S. 26 prohibits a person, firm or corporation using a business name which is identical with the business name of a person, firm or corporation who or which is already registered under the Act, or which in the opinion of the Registrar so nearly resembles any such name as to be calculated to deceive, except where the registered person, firm or corporation is about to cease to carry on its business and signifies its or his consent in such manner as the Registrar requires.

The section also prohibits a person, firm or corporation using a business name which is identical with a name by which a company registered under the Companies Act of the State is registered or known, or with a name by which an association in existence is already incorporated under the Associations Incorporation Act, 1895, or with a name by which a society in existence is already registered or deemed to be registered under the Friendly Societies Act, 1894–1938, or in the opinion of the Registrar so nearly resembles the name of any such company, association or society as to be calculated to deceive, except where the company, association or society in existence is in the course of being dissolved and signifies its consent in such manner as the Registrar requires.

Sub-section (2) of the section, however, provides that where in the opinion of the Registrar, owing to the nature of the business and the locality in which the same is carried on the public are not likely to be misled, he may register a person, firm or corporation using a name identical with or similar to one already in use, but he must not register any person, firm or corporation where such registration would result in two or more businesses being carried on in the same locality under the same name.

The section contains a saving provision protecting persons, firms or corporations already registered under the Registration of Firms Act, 1897–1940, before December 16, 1940.

S. 27 enacts that every person, firm or corporation contravening ss. 24, 25 and 26 shall be guilty of an offence and liable not only to a general penalty, but when the offence is of a continuing nature to a daily penalty also.

S. 28 provides that any person, firm or corporation who or which through inadvertence or otherwise is registered under a business name prohibited under the Act shall on request in writing of the Registrar change his or its business name, and take the measures required by the Act for registration of its new business name. Failure to comply with such request will be an offence.

Collie Recreation and Park Lands.—No. 11 of 1942 divests certain land from the Collie Recreation and Park Lands Board established under the Collie Recreation and Park Lands Act, 1931–1941, and in place of the divested land vests other land in the said Board, and makes the necessary consequential amendments in the said Act.

Commonwealth Powers.—No. 4 of 1943 cited shortly as the Commonwealth Powers Act, 1943, is an Act to refer certain matters to the Parliament of the

Commonwealth until the expiration of five years after Australia ceases to be engaged in hostilities in the present war. The Bill for this Act was introduced by the Government in the Parliament of Western Australia following upon a convention convened by the Commonwealth Government and held in Canberra in November, 1942, at which delegates of the Senate and House of Representatives of the Commonwealth, and the Premiers and Leaders of the Opposition in the Legislative Assembly of all the States attended. At the convention the matter of the various States transferring to the Commonwealth Parliament legislative power in relation to certain matters, concerning which at the present time the Commonwealth Parliament has no legislative power under the Constitution was debated and finally the convention approved of a draft Bill as prepared by a sub-committee for submission by the Government of each State to the Parliament of the State with the intent that all the Acts as passed by the several States should be uniform in their provisions. A Bill, identical with the said draft Bill, was introduced by the Government in the Legislative Assembly of this State but was very substantially amended before the Act was passed in its present form.

The Act contains a special preamble which narrates all the material facts concerning the holding of the said convention, and the approval of the said draft Bill for submission to the Parliaments of the States.

S. 1 contains the Short Title of the Act and provides that it shall come into operation on January 1, 1944. So far, however, the Commonwealth Parliament has not sought to take advantage of any of the provisions of the Act, and is not likely to do so in view of the fact that whilst New South Wales and Queensland passed Acts identical in terms with the said draft Bill, Victoria, South Australia and Western Australia passed Acts which differ in their terms very substantially from the said draft Bill, and Tasmania has not passed any Act at all.

S. 2 refers to the Commonwealth Parliament certain specific matters, but does so expressedly subject to the limitations and conditions contained in later sections of the Act. The matters so referred are thirteen in number and cover a very wide range.

The Commonwealth Government, however, has already indicated that it will not avail itself of the Acts which have been passed by the various State Parliaments, by introducing a Bill into the Commonwealth Parliament for an Act to amend the Constitution by inserting therein a new Part which will confer on that Parliament power to make laws in relation *inter alia* to all the matters which are referred by s. 2 of the State Act as aforesaid. The said Commonwealth Bill has been passed and at present is the subject matter of a referendum about to be taken under the Constitution.

Constitution.—No. 29 of 1942 amends s. 6 of the Constitution Act, 1889 and ss. 32, 34, 37, 38 and 39 of the Constitution Acts Amendment Act, 1899, and is cited shortly as the Constitution Acts Amendment Act, 1942.

S. 2 provides that notwithstanding the provisions of s. 6 of the Constitution Act, 1889, or ss. 32, 34, 37, 38 and 39 of the Constitution Acts Amendment Act, 1899, (*a*) the seat of a Member of Parliament shall not become vacant or be deemed or taken to have become vacant; (*b*) the election or appointment of any person to be a Member of Parliament shall not and shall not be deemed or taken to have been in any way invalidated; (*c*) no person shall be or be deemed or taken to have been disqualified from or incapable of being elected or appointed or being or continuing a Member of Parliament or be or be deemed or taken to have been incapable of sitting or voting in Parliament; and (*d*) no Member of Parliament or person sitting or voting as a member shall be or be deemed or taken to have been liable to any penalty—by reason only that during the continuance of the present war and for a period of six months thereafter such member or person accepts or holds or has at any time since September 3, 1939, accepted or held: (*i*) Any office or place in the Naval, Military or Air Forces of the Commonwealth of Australia, or of the United Kingdom or of any other part of His Majesty's Dominions; (*ii*) Any office or place of profit, or other employment from or under the Crown, whether in right of the Commonwealth or of any State or of the United Kingdom or of any other part of the said Dominions which are provided for under the National Security Act, 1939, of the Commonwealth or the regulations or any order thereunder or which the Minister of State for Defence certifies in writing is in his opinion connected with the defence of the Commonwealth or the efficient prosecution of the war.

Similar protection is given to a person or member who has since September 3, 1939, received any pay or allowance in respect of any office, place or employment aforesaid or has accepted or holds any pension arising from his service in any of the Naval, Military or Air Forces aforesaid.

Criminal Code.—No. 15 of 1942 amends s. 211 of the Criminal Code, which deals with betting houses, and the keeping thereof. Sub-section (2) of the section originally made it an offence for any person being the owner or occupier of a house, room or place *knowingly and wilfully* to permit it to be opened, kept or used as a common betting house, or for any person to use or assist in the management of such a house, room or place as a common betting house. The words "knowingly and wilfully" have now been deleted from sub-section (2) aforesaid.

Also the section is amended by adding to sub-section (2) definitions of "occupier" and "owner." "Occupier" now includes any person by whom or on whose behalf any house, room, office or place is actually occupied or who is the lessee or sub-lessee, and any attorney, agent or manager of such person who has the control, supervision or management of the premises on his behalf. "Owner" of any house, room, office, or place now includes every person, company or corporation who is, whether at law or in equity, entitled to the same or to the land on which the same is situate for any estate of freehold in possession or is in actual receipt of or entitled to receive or if the house, room, office or place were let to a tenant would be entitled to receive the rents and profits of the same either on his own account or as mortgagee in possession, or if the house, room, office or place is sub-leased, who is the lessee or sub-lessee from whom a sub-lessee holds, and also includes the attorney, agent or manager having control or supervision of the premises for such person or who on his behalf receives the rent or is authorized to issue receipts for rent.

Death Duties.—No. 25 of 1942 amends the Death Duties (Taxing) Act, 1934–1941, in order to extend the operation of the Act to deceased persons who died whilst engaged on active service as members of the Naval, Military or Air Forces of an Ally of Great Britain, and to enlarge the scope of the definition of "Active Service" so as to include active service within Australia.

Financial Emergency.—No. 32 continues the operation for one year ending December 31, 1943, of the Financial Emergency Act, 1934, as amended by the Financial Emergency Act Amendment Act, 1935.

The only provision remaining in operation under the Financial Emergency Act, 1934, is that which reduces the rate of interest fixed on mortgages existing prior to the commencement of that Act. The continuance of that Act will continue such reduction.

Fire Brigades.—No. 35 of 1942, cited shortly as the Fire Brigades Act, 1942 consolidates and amends the law relating to the prevention and extinguishing of fires and the protection of life and property from fire. It was assented to on December 23, 1942, and was proclaimed to come into operation on May 17, 1943.

It is largely a re-enactment of the previous Fire Brigades Act, the most important amendment being a change in the constitution and personnel of the

Western Australian Fire Brigades Board which, under a Minister of the Crown, administers the Act.

S. 4 contains definitions which are generally a recapitulation of the definitions contained in the corresponding section of the repealed Act. Two new definitions of "private fire brigade" and "property" are inserted as follows:—

"Private fire brigade" means any association of persons authorized by the Board and formed for the purpose of the prevention and extinguishing of fires and the protection of life and property from fire within the boundaries of property owned or used by any person, if the carrying out of the purpose of such association is not the sole or principal calling or means of livelihood of such persons or of a majority of them.

"Property" without in any wise limiting the ordinary meaning of the term "property" also includes any fences, outhouses, trees, crops, grasses, goods, chattels or effects, furniture, fittings, furnishings, machinery or improvements contained in or on or used in or in connection with any premises.

S. 5 sub-section (1) enacts that the various municipal districts and road districts named in the Second Schedule to the Act shall be fire districts, but empowers the Governor in Council to declare the district of any other local authority as a fire district and to include the same in Part II or Part III or Part IV of the said Schedule, and at any time subsequently to cancel the same as a fire district; also to excise from any fire district any specified portion thereof, also to unite two or more fire districts into one fire district.

By a special provision in sub-section (1) the various municipal and road districts specified in Parts I and II of the Second Schedule to the Act, all of which comprise the Metropolitan Area having a radius approximately of 15 miles from Perth as the centre, are united into one fire district.

S. 5 sub-section (2) enacts that any vessel lying in any river, harbour or other water within or adjacent to any fire district shall be subject to the Act in the same manner as if it were premises within such fire district. The term "vessel," however, does not apply to any of His Majesty's vessels of war or to any vessel which belongs to the Government of any foreign State (not being an enemy).

S. 6 constitutes the new Western Australian Fire Brigades Board as a body corporate, indemnifies each member personally in relation to acts of the Board, and provides for the transfer of assets and liabilities of the old Board to the new Board.

S. 7 prescribes the manner of the constitution of the Board and the appointment or election of the personnel thereof.

The Board consists of ten members: (*a*) Two appointed by the Governor in Council one of whom is to be President of the Board; (*b*) Three members elected by the insurance companies carrying on business within the State; (*c*) One member elected by the Council of the City of Perth; (*d*) One member elected by the Municipal Councils and Road Boards of the municipal and road districts mentioned in or added to Part II of the Second Schedule to the Act; (*e*) One member elected by the Municipal Councils and Road Boards of the municipal and road districts mentioned in or added to Part III of the said Second Schedule; (*f*) One member elected by the Municipal Councils and Road Boards of the municipal or road districts mentioned in or added to Part IV of the said Second Schedule; and (*g*) One member elected by registered volunteer fire brigades.

S. 8 provides that all elections of members of the Board shall be held and conducted in accordance with regulations and under the direction of returning officers appointed by the Governor.

S. 9 sub-section (1) provides that members of the Board when appointed or elected shall enter upon their duties on January 1 next following their appointment or election. Sub-section (2) makes special provisions in respect of the tenure of office of the first appointed or first elected members of the new Board, with a view where possible of ordering a retirement in rotation. Subsequently appointed or elected members will each hold office for two years.

S. 10 requires that after the first election, all subsequent elections of members of the Board shall be held in the month of November or December in the year in which ordinarily the election will be required.

S. 11 deals with the filling of extraordinary vacancies which occur in the membership of the Board, and, subject to any express provision in the regulations, requires that such a vacancy shall be filled within two months after it has occurred. The newly appointed or newly elected member will hold office only for the unexpired balance of the term of office of his predecessor.

S. 12 enables the Governor in Council to appoint members to the Board when any authority which has the right to elect a member or members fails or refuses to do so, and s. 13 empowers the Governor to remove any member from the Board if he thinks fit so to do.

S. 14 deals with disqualification from membership of the Board and provides that a person who is an employee of the Board or is concerned or participates in the profits of any contract with the Board, or has his affairs under liquidation by arrangement with his creditors, or is an uncertificated or undischarged insolvent, or is undergoing a sentence of imprisonment, or is of unsound mind shall not be capable of being or continuing to be a member of the Board.

A proviso to the section enacts that a person will not be so disqualified solely because he is concerned or participates in a transaction with the Board in respect of a lease, sale or purchase of land, or an agreement for such lease, sale or purchase, or of a contract entered into by an incorporated company for the general benefit of such company, or of a contract for the publication of advertisements in a public journal.

S. 15 specifies the circumstances in which the various members respectively may cease to continue to be members of the Board.

S. 16 contains saving provisions to preserve the validity of the transactions of the Board while seats of members are temporarily vacant.

S. 17 authorizes the payment of fees to members of the Board as remuneration for their services in accordance with prescribed rates, but limits the aggregate amount of the fees which may be paid to all the members in any one year to £550. The section also authorizes the insurance, at the expense of the Board, of members for compensation in cases of accident while engaged in the business of the Board.

Ss. 18 to 22 inclusive contain the usual machinery provisions in relation to the proceedings of the Board, conduct of their meetings, quorum, appointment of sub-committees, etc.

S. 23 provides for a statutory vesting of assets and a statutory transfer of liabilities of the old Board in and to the new Board when it has been constituted and is ready to function.

S. 24 confers on the Board power to purchase, take on lease or otherwise acquire real and personal property as required by the Board for its purposes under the Act, and also a power to sell or exchange any such real or personal property. Proceeds from sale, however, must be utilized in the purchase of other property required by the Board. A special proviso to the section, however, provides that where the Board has acquired real property from a local authority without payment of a pecuniary consideration, and ultimately the Board does no longer require the same for its purposes, the property will revest in the local authority subject to payment of the value of improvements (if any) made by the Board thereon.

S. 25 vests in the Board the duty of taking, superintending and enforcing all necessary steps for the prevention and extinguishing of fires and the protection of life and property from fire, as well as the general control of all fire brigades and fire brigade premises.

S. 26 confers on the Board express powers in relation to the formation of permanent or volunteer or private fire brigades, the amalgamation or disbanding of any such brigades, the number of brigades of the several kinds necessary for the protection of a fire district, the establishment and maintenance of schools of instruction and the issue of certificates of qualification to members of fire brigades, provision and maintenance of fire alarms and fire fighting appliances, and the provision of telephonic or other communication between fire brigade premises and other premises or places.

Under s. 27 before a Board exercises any of the powers conferred by s. 26 it must submit its proposals to the local authority of the fire district concerned and if any difference of opinion arises between such local authority and the Board in relation to any such proposal, the dispute will be referred to and be determined by the Minister. This provision, however, will not apply when two or more districts have been united into one fire district. The same section gives to local authorities the right to make representation to the Board in regard to the class of brigade and method of fire protection to be established by the Board in its district and where the local authority is not satisfied with the response of the Board to any such representation it may appeal to the Minister. S. 28 requires the Board to furnish to the Minister annual reports of its transactions during the year last passed, and requires the Minister to submit such reports to the Parliament. S. 29 empowers the Board to appoint all personnel of the various permanent fire brigades as well as of the administrative staff and, subject to any awards or industrial agreements applicable, to fix rates of salaries and wages for the persons appointed. S. 30 enacts that no election or appointment of the officers and members of any volunteer or private brigade shall have any force or effect until approved by the Board.

S. 31 imposes on the Board a duty to appoint a special officer who will be designated Chief Officer of Fire Brigades, and subject to the general powers and authority of the Board, such Chief Officer will have immediate direction and control of every brigade and the officers and members thereof.

S. 32 provides for the appointment of a Deputy Chief Officer of Fire Brigades who will exercise all the powers and perform all the duties of the Chief Officer during the latter's absence or inability to act.

S. 33 enumerates the many and varied powers and duties of an administrative nature which the Chief Officer of Fire Brigades shall or may exercise, or shall perform by virtue of his office. These powers include *inter alia,* the right of free access at reasonable times to any premises to ascertain whether or not there is present therein any potential danger to life or property from fire, and, where he considers that there is any such potential danger, a power to require the occupier of the premises to remove such danger in any manner directed by the Chief Officer. Where the Chief Officer does serve an occupier with any such requisition the occupier can appeal against the same to a magistrate.

S. 34 enumerates the many and varied powers which the Chief Officer may exercise expressly in relation to the extinguishing of fires when they have started. Such powers are very extensive and comprehensive, and virtually give the Chief Officer an entirely free hand to take whatever measures he may think necessary.

S. 35 gives to the Governor a power to make regulations and specifies the various matters in relation to which he may make regulations.

Under the same section the Governor may by proclamation add to the section any other matter in relation to which he shall under the section exercise his power to make regulations.

S. 37 imposes upon various bodies a duty to make contributions to meet the annual expenditure.

The various bodies affected are: (*a*) The Treasurer of the State who contributes two-ninths of such expenditure; (*b*) The local authorities whose districts are constituted fire districts who among them contribute two-ninths of such expenditure; and (*c*) The insurance companies insuring from fire property situated within the various fire districts who among themselves contribute five-ninths of the said expenditure. A special provision in this section requires that the annual estimated expenditure shall not have included therein any items of moneys expended or proposed to be expended by the Board in relation to or arising either directly or indirectly from war or warlike operations. The purpose of this special provision is to relieve the local authorities and the insurance companies as contributors of money to meet the Board's expenditure from liability to contribute to special expenditure incurred by the Board in meeting war conditions. For example, the Board acquired additional fire fighting plant for use in extinguishing fires which might be caused by hostile air raids. The Legislature considered that such expenditure should be borne wholly by the Commonwealth Government as a legitimate war expenditure, and inserted the said special provision in s. 37 accordingly.

S. 38 authorizes the local authorities to raise the necessary revenue by the levy of an annual fire brigade rate, or by increasing the annual general rates leviable under their particular local government Act. And with the approval of the Governor the rate levied by the local authority may be charged upon rateable land in a portion only of the fire district of such local authority. Where two or more local authorities' districts have been united into one fire district provision is made in the section for the contributions payable by such local authorities in respect of the united fire district to be apportioned between them on the basis of values of rateable land which is also subject to payment of water rates, in the districts of the respective local authorities.

S. 39 imposes upon the insurance companies liable to contribute to the Board's estimated annual expenditure a duty to furnish to the Board annual returns of the income which they have received by way of insurance premiums, and the amounts which each such insurance company respectively shall find towards the five-ninths contribution which all the insurance companies must make under s. 37 are assessed proportionately on the basis of the premiums income received by the various companies during the year in relation to which the annual return is furnished. In regard to insurance companies which for the first time commence business in the State after the Act comes into operation, provision is made that until they make their first annual return as required by s. 39 such companies shall make to the Board quarterly contributions of £2 10s. 0d. each quarter. Another provision in this section enacts that for the purposes of the Act, every broker, agent, or other person who negotiates any contract insuring against fire any property situate within any fire district on behalf of any insurance company not carrying on business in the State shall himself be deemed to be an insurance company. In this manner insurance companies outside the State but doing insurance business within the State through an agent can be made to contribute along with local insurance companies towards the Board's annual expenditure. Similarly, owners of property who themselves obtain insurance from insurance companies outside the State are deemed themselves to be insurance companies and thus become liable to contribute to the Board's said expenditure.

S. 40 prescribes the method by which each insurance company's proportion of the five-ninths part of the Board's annual expenditure which the insurance companies jointly are liable to contribute under s. 37 shall be ascertained, and provides that such proportion shall bear to the whole of the five-ninths contribution the same ratio as the premium income in the next preceding year bears to the aggregate premium incomes of all the insurance companies in such year. Each company, however, must in any event pay a minimum amount of ten pounds per year.

S. 41 deals specifically with the contributions to be paid annually by companies carrying on the business of marine insurance only, and provides that such companies shall pay such contributions according to rates to be prescribed by regulations.

S. 42 places upon various officers and agents of insurance companies a duty to permit the inspection of the books and accounts of the company by which they are employed by persons authorized by the Fire Brigades Board to make such inspections, and failure to discharge such duty renders every such officer liable personally to prosecution for an offence.

Section 43 deals with the matter of recovery of contributions from local authorities and insurance companies which make default in payment of the contributions for which they are liable. The section provides that when default has continued for 28 days, the authority or company in default will become liable thereafter to a penalty up to fifty pounds and not less than five pounds, and in addition to a daily penalty up to two pounds for every day during which the default continues. Where an insurance company which is in default is not an incorporated body any legal action for recovery of contributions and penalties may be taken against the company in the name of the firm or of the manager, secretary or agent of such company and any judgment obtained will bind the property of the company.

S. 44 covers cases where a fire brigade attends a fire in which an insurance company is interested but is in default with payment of its share of the contribution payable by the insurance companies under s. 37 of the Act, and empowers the fire brigade to levy certain special charges according to a rate prescribed by regulations in respect of the attendance of the brigade at such fire. The charges levied are recoverable from the owner of the property upon which the fire has occurred, but such owner will have recourse against the insurance company with which he is insured for recovery of the amount of the charges levied and charged against him.

S. 45 deals with the matter of the Board's deficits and surpluses in respect of its yearly financial transactions. The amount of any such deficit in any year must be included in the Board's estimates for the ensuing year. The amount of any such surplus in any year must be treated as a credit in favour of the Board's estimated income for the ensuing year.

S. 46 confers on the Board certain borrowing powers. Subject to first obtaining the consent of the Governor in Council the Board may borrow moneys to enable it to carry out its functions under the Act or to redeem any previous loan raised by the Board or any of its predecessors. Such borrowings will be effected by the sale of debentures and the amount borrowed will be statutorily charged on all the assets of the Board. Regulations will prescribe the form of the debentures and the conditions upon which they may be issued, and the mode in which a sinking fund may be provided for the redemption of the debentures issued. If the Board makes default in payment of the principal moneys or interest payable in respect of debentures the Minister can intervene, recover contributions from the local authorities and insurance companies and with the amounts received make good the Board's said default. A debenture holder, however, will still have the right to apply to the Supreme Court for the appointment of a receiver of the defaulting Board's property.

S. 47 imposes upon the Board a duty to have its accounts audited annually by the State Auditor General, and a particular statement of income and expenditure must be included in the Board's annual report, which must be presented to the Minister and laid on the tables of both Houses of Parliament.

S. 48 requires the Fire Brigades Board from time to time to furnish the Commissioner of Public Health with information and recommendations as to the requirements for the provision of an escape from fire in premises used or intended for purposes of public entertainment or of public concourse.

This provision is an aid to the Commissioner of Public Health by reason of the fact that under the provisions of the Health Act, 1911–1942, no " public building " as defined in that Act may be erected unless and until the Commissioner of Public Health has approved of the plans and specifications for such public building.

S. 49 makes it compulsory for volunteer fire brigades and private fire brigades to seek from the Board registration as such and also to conform with all regulations made under the Act.

S. 50 prohibits the establishment of salvage corps or fire brigades for the salvage of property at fire or of extinguishing fires outside the premises of the person or body who or which seeks to establish such a fire brigade unless the establishment of such salvage corps or fire brigade is authorized by the Fire Brigades Board.

S. 51 authorizes the payment by the Board to brigades or members of brigades of special rewards for meritorious service when such rewards are recommended by the Chief Officer of Fire Brigades.

S. 52 prohibits the public soliciting or collection of moneys by persons for the benefit or purposes of a fire brigade without the express consent of the Board.

S. 53 prohibits fire brigade demonstrations unless the permission of the Board is first obtained and published in the *Government Gazette*.

S. 54 authorizes the Board to serve notice on a local authority demanding the provision of a fire hydrant at a specified location. The local authority served with such notice has two months within which to comply with the same or to appeal against the same to a Stipendiary Magistrate.

Where a local authority appeals and fails on its appeal it must comply with the Board's demand within one month of the dismissal of its appeal. If its appeal is successful the Board may renew its demand to the local authority at any time after 12 months has elapsed following the allowing of the appeal.

S. 55 prohibits the placing of any fire hydrant on or under the surface of any street, path or roadway except by or with the sanction of the Board, but instead thereof proper stand posts or pillar hydrants must be fixed in conspicuous places on or near the kerbing of the street or roadway.

S. 56 imposes on every turncock employed by a water supply authority a duty forthwith on any fire occurring within a district allotted to him to proceed to the fire and assist in ensuring a copious supply and service of water.

S. 57 requires every company or person supplying gas or electricity or other illuminant to any premises on fire to send some competent person to shut off or disconnect the supply to such premises or any adjoining premises.

S. 58 makes it the duty of members of the Police Forces and of other members of the public to recognize the authority of the Chief Officer of Fire Brigades and to assist him in every reasonable way in the work of a fire brigade in extinguishing a fire.

S. 60 authorizes the compulsory removal of unauthorized persons from any premises on fire or which are threatened with fire and from the vicinity of any such premises. Such removal may be effected by any officer or member of a fire brigade or by any member of the Police Force.

S. 61 empowers the Board and the officers and members of any fire brigade to make use of all water supply services, public and private, when necessary for the purpose of extinguishing a fire.

S. 62 places upon owners of property where a fire occurs a duty to furnish certain information concerning any existing insurance of such property against damage by fire. They must give particulars of such insurance to any officer or member of a fire brigade or to any officer of the Fire Brigades Board who requests the same. This obligation exists both in relation to real property and also personal property. Failure to discharge such obligation is an offence.

S. 63 provides that the coroner exercising jurisdiction at any place within a fire district at which a fire has occurred shall, if so requested by the Fire Brigades Board, hold an inquisition into the cause and origin of the fire.

S. 64 enacts that any damage to property caused by the Chief Officer or by any member of a fire brigade in the lawful execution of any power conferred by the Act shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged, notwithstanding any clause or condition to the contrary contained in such policy.

S. 65 authorizes the levying by the Board of special charges against owners of property which is not insured against fire for attendances by the fire brigade at a fire which occurs in or on such uninsured property. Such charges will be assessed in accordance with a scale prescribed in the Third Schedule to the Act. This obligation upon owners of property to pay such fees applies whether the property lies within or outside a fire district, but does not extend to the Crown as the owner of any such property.

S. 66 requires that any officer or member of a fire brigade or any other person employed by the Fire Brigades Board in any capacity who as an incident of his service has occupied any premises belonging to the Board shall forthwith vacate such premises when his said service is for any reason terminated. In case of a refusal to vacate as aforesaid any justice of the peace may issue a warrant for the forceable ejectment of the person in question.

S. 67 empowers the Chief Officer or any officer or other employee or agent of the Board if so authorized in writing by the Board to enter upon and remove from any premises any property of the Board which is unlawfully detained in such premises.

S. 68 authorizes the agent of any insurance company to deduct from any moneys held by him for such company all expenditure necessarily or properly incurred and paid by him under the Act for or in respect of such company, or otherwise to recover the same from the company by an action at law.

S. 70 empowers any trustee, being owner of any houses, lands or premises, to apply any funds under his control in paying expenses or charges necessarily and properly incurred by him under the Act as such owner.

S. 71 makes all orders, directions, notices and documents purporting to be issued or written under the direction of the Fire Brigades Board and purporting to be signed by the President of the Board admissible as evidence in all courts of law.

S. 72 prescribes a general penalty up to £10 and a daily penalty up to £1 per day for any offences under the Act for which particular penalties are not prescribed by the Act.

Goldfields Water Supply.—No. 20 of 1942 amends the Goldfields Water Supply Act, 1902, under which the Water Supply Service to the Eastern Goldfields is administered.

A new section 34A is inserted in the principal Act after section 34 under which the Goldfields Water Supply Board is authorized to supply any group of dwelling houses by means of a stand pipe or other prescribed fittings and to receive and recover water rates from the several owners and occupiers of such houses in the same manner as if the supply of water were distributed in each of the said dwelling houses in the ordinary manner. The expense of providing and maintaining the stand pipe and other fittings will be borne by the owners and occupiers of the houses in such proportions as the Goldfields Water Supply Board shall direct.

S. 4 repeals s. 83 of the principal Act which authorizes the sale by the Board of premises of owners who make default in payment of rates, and inserts a new s. 83 in its place. Under the original s. 83 the power of sale could be exercised when rates were in arrear for twelve months. Under the new s. 83 rates must be in arrear for three years before the power of sale can be exercised.

Under the previous section application for the necessary order for sale had to be made to a Judge of the Supreme Court; but under the new section such application may be made to the Magistrate of the Local Court. Proceeds of sale of the premises ordered to be sold will now be paid to and be distributed by the Clerk of the Local Court instead of the Registrar of the Supreme Court as formerly. The Magistrate gives directions as to the time, place and conditions of sale.

Health.—No. 34 of 1942 amends s. 269 of the Health Act, 1911–1937, by adding two new sub-sections (3) and (4). Sub-section (3) makes it unlawful for any pharmaceutical chemist or other person to sell except on the prescription of a medical practitioner, any derivative of the sulphanilamide group of drugs or any other drug proclaimed by the Governor as coming within the sub-section. In respect of any such drug every chemist or other person must keep a record showing the quantities received from time to time and complete details of the sales thereof, and must have such records available at all times for inspection by a health inspector. This sub-section, however, does not prohibit wholesale dealers selling the said drugs to medical practitioners and chemists.

The new sub-section (4) empowers the Governor in Council by proclamation to prohibit any medical practitioner in private practice from examining, attending upon or prescribing for any person for the purpose of curing, alleviating or treating any venereal disease if such person is a member of the armed forces of Australia or its Allies. Any such proclamation may be given a general operation throughout the State or be limited to a particular locality or area.

S. 3 of the amending Act amends s. 279 of the principal Act which provides for the compulsory examination of persons believed to be suffering from a venereal disease. Certain words are inserted in sub-section (1) extending the operation thereof so as to enable the Commissioner of Public Health to exercise his powers under the section even when he merely suspects that a person is suffering from venereal disease. Also words are added to sub-section (2) which provide that any gaol hospital shall be deemed to be a place of detention for the detention of persons to whom the provisions of the section are applied. The Commissioner is authorized to order by warrant that any such person may be detained in a gaol hospital in the first instance, and be transferred from a hospital or other place to a gaol hospital. Certain words are deleted from sub-section (3) in order to render unnecessary the consent of the Governor to the further detention under that sub-section of any person who is being detained under that sub-section. Under this sub-section as now amended the Commissioner of Public Health may on his own responsibility order such further detention.

S. 4 of the amending Act amends s. 281 of the principal Act which makes provision for examination of prisoners and persons confined in industrial schools to ascertain whether or not they are suffering from venereal disease. Words are inserted in sub-section (3) which empower the Commissioner to order a prisoner to whom the sub-section is applied to be transferred to any specified hospital or other place.

S. 5 inserts a new s. 286A in the principal Act after s. 286. This new section deals with the matter of proof that a person is suffering from venereal disease, and enacts that for the purposes of Part X of the principal Act (Venereal Diseases and Disorders affecting the Generative Organs) and any prosecution thereunder the person concerned or charged shall be deemed to be suffering from venereal disease if a written report of a medical officer of health or any two medical practitioners is produced certifying that the said person has been examined and found to be so suffering, unless such person produces a certificate of cure in the prescribed form.

S. 288 is included in Part XI of the principal Act, which relates to public hospitals, and empowers local authorities to provide, establish and maintain hospitals for the reception and treatment of persons suffering from infectious disease and of persons who have been in contact with infected persons. That section is now amended by the insertion of words which impose upon a local authority a duty to provide, establish and maintain such a hospital if the Commissioner of Public Health calls upon it to do so. The said section contains a definition of " Infectious disease " and that definition has been amended to exclude therefrom the diseases of typhoid fever and enteric fever.

Income and Entertainments Tax.—No. 41 of 1942 is a special war time measure which provides for the suspension of the imposition of certain State Taxes during a prescribed period and is cited shortly as the Income and Entertainments Tax (War Time Suspension) Act, 1942.

A special preamble explains the necessity for and objects and purposes of the Act, and reads as follows:—

" *Whereas* the Government of the Commonwealth formulated a scheme with respect to income tax usually referred to as the Uniform Tax Scheme *And Whereas* the scheme aforesaid was subsequently extended to include entertainments tax *And Whereas* in order for the State of Western Australia to obtain financial assistance from the Commonwealth under and in accordance with the provisions of the States Grants (Income Tax Reimbursement) Act, 1942, and the States Grants (Entertainments Tax Reimbursement) Act, 1942, the State must vacate the income tax and entertainments tax field during the prescribed period. Be it enacted, etc."

The Uniform Tax Scheme as formulated by the Commonwealth and authorized by Commonwealth legislation is expressed to be a temporary war measure to aid Commonwealth War Finance. Under the scheme the States vacate the whole field of income and entertainments tax in favour of the Commonwealth, the Commonwealth increases the rates of the said taxes as levied under the laws of the Commonwealth, and out of the revenue derived by the Commonwealth by means of its income tax and entertainments tax the Commonwealth grants to each State annually an amount of money, as compensation for the loss of revenue suffered by it by its vacating the fields of State income tax and entertainments tax, which is assessed according to a scale or formula which is based upon the annual revenues from the said sources which have been vacated as aforesaid received by the various States respectively in the period immediately preceding the present war.

In order to effectuate the action of the State in vacating the said fields of taxation and thus enable it to receive the said annual grant from the Commonwealth, this Act provides for the suspension during the period of the operation of the said Uniform Tax Scheme of the provisions of the various Acts of the State which impose taxes assessed in respect of income in its various forms.

Jury.—No. 10 of 1942, cited as the Jury (Emergency Provisions) Act, 1942, is a temporary war time measure. Under s. 3 juries, whether civil or criminal, which usually consist of twelve persons, are reduced to six persons in relation to all trials with a jury except trials of persons charged with treason or murder, or on any other charge when the trial Judge considers that by reason of the gravity of the matter in issue the trial should take place with the usual jury of twelve persons.

S. 4 raises the age limit of persons liable to serve on juries from 60 years to 65 years of age.

S. 6 enacts that unless sooner repealed the Act shall continue in operation during the continuance of the present state of war and for a period of six months thereafter.

Justices.—No. 14 of 1942 amends s. 30 of the Justices Act, 1902–1936, dealing with the position which arises when there are two or more justices sitting in petty sessions and in the trial of a proceeding are not unanimous as regards the decision. The section generally provides that in any such case the decision of the majority shall prevail and in the case of an equality the trial of the proceeding shall be adjourned for hearing before other justices. A proviso to the section enacted that where two justices only are sitting and they do not agree and one of them is a Police or Resident Magistrate, his decision shall prevail. S. 2 of the amending Act deletes that proviso and substitutes another proviso which enacts that when two or more justices are sitting and do not agree, and one of them is a Police or Resident Magistrate, the latter's decision shall prevail even though a majority of such justices do not agree with that decision.

Legislative Assembly Duration and General Election Postponement.—No. 18 of 1942, cited as the Legislative Assembly Duration and General Election Postponement Act, 1942, is in terms identical with the Legislative Assembly Duration and General Election Act, 1941. Like its predecessor it is a war measure intended to obviate the necessity for another year of holding a general election of the Legislative Assembly in the Parliament of the State. Ordinarily the Legislative Assembly would have expired by effluxion of time in January, 1942, and a general election to elect the members of the new Legislative Assembly would have been necessary in February, 1942. The 1941 Act prolonged the duration of the then existing Legislative Assembly for twelve months, declared it to be unnecessary to hold the general election in 1942 and extended the term of office of the members of the existing Legislative Assembly for the period during which that Assembly's existence was prolonged. This Act now operates similarly to prolong the existence of the said Legislative Assembly for another 12 months, postpones again the election which was postponed by the 1941 Act, and extends the term of office of the members of the Legislative Assembly for a corresponding period.

Legislative Council.—No. 19 of 1942, cited shortly as the Legislative Council (Postponement of Election) Act, 1942, is very similar in terms to the Legislative Council (Postponement of Election) Act, 1941. Of the thirty members which constitute the Legislative Council ordinarily 10 retire every two years and such an election ordinarily fell due to be held in April, 1942. The Legislative Council (Postponement of Election) Act, 1941, postponed that election for twelve months and extended the terms of the 10 members then due to retire in April, 1942, for a corresponding period without in any way extending the terms of the remaining 20 members who were not due to retire in 1942. Partly because the war still continued to create an emergency which rendered any Parliamentary election undesirable, and partly to disturb as little as possible the retirement of one-third of the members of the Legislative Council by rotation at two-yearly intervals, the Legislative Council (Postponement of Election) Act, 1942, was passed for the following purposes: (*a*) To postpone for a further twelve months the election which ordinarily was due to be held in April, 1942, and which by the 1941 Act had been postponed until April, 1943; (*b*) To extend correspondingly the terms of office of the 10 members who ordinarily would have retired in April, 1942, but whose term of office was extended by the 1941 Act to April, 1943; (*c*) To postpone for twelve months the election which ordinarily would have to be held in April, 1944, when another 10 members of the Council would ordinarily be due to retire; and (*d*) To extend for a corresponding period the term of office of such other 10 members from April, 1944, to April, 1945.

No provision is made in this Act with regard to the election which ordinarily will fall due in April, 1946, when the remaining ten members of the Council will ordinarily be due to retire by effluxion of time and further legislation will be necessary at a future date in relation to such election.

Local Authority.—No. 26 of 1942, cited shortly as the Local Authorities (Reserve Funds) Act, 1942, is a temporary war measure, the duration of which will end when the war ends, and authorizes certain local authorities to establish and maintain reserve funds in connection with surpluses of revenue. Local Authorities, e.g., Municipal Councils and Road Boards, include in the annual estimates items covering expenditure to cover construction and maintenance of certain works, e.g., roads, footpaths, etc., and then strike a general rate leviable on rateable land to provide revenue to meet such expenditure. Due to the inability of local authorities to procure the necessary material and labour to carry out such maintenance as the result of the war conditions many of such local authorities at the end of their financial years received from rates revenue in excess of their requirements, which they cannot expend at present but which they will need for maintenance and other works immediately the war is over. This Act was passed therefore to enable such local authorities to place such surpluses of revenue in special reserve funds so that they will be immediately available when the war ends. S. 3 defines " local authority " to mean a municipal council or a road board. Also a definition of " the present war " indicates that the Act is to have a temporary duration only.

S. 4 enacts that notwithstanding anything contained in its particular local government Act the Governor may on the recommendation of the Minister charged with the administration of this Act by Order-in-Council authorize any local authority to establish during the present war and maintain a reserve fund for the purpose of accumulating therein any surplus of ordinary revenue of the local authority at the end of each financial year and of applying the moneys in such reserve fund and the income derived from the investment thereof in the carrying out after the cessation of the present war of works and undertakings authorized by its local government Act which the local authority may not be able conveniently to carry out during the war. Before granting such authority, however, the Governor must be satisfied that the accumulation of the surplus revenue of the local authority in a reserve fund for the purposes aforesaid is desirable and expedient in the interests of the local authority and also of its ratepayers.

S. 5 enables the Governor on the recommendation of the Minister to direct a local authority which has established a reserve fund under the authority of s. 4 to close and wind up such reserve fund, or direct any such local authority not to pay any further surplus revenue into its reserve fund after a date specified by the Governor. The local authority must comply with any such direction and must according as the Minister may direct either transfer the moneys then in its reserve fund into its ordinary revenue account or utilize the same for any other purpose authorized by the local government Act of the local authority and approved by the Minister.

S. 6 enacts that where a local authority has established a reserve fund under s. 4 of the Act, it shall not voluntarily without the consent of the Governor in Council close and wind up such reserve fund during the present war.

S. 7 empowers the Governor in Council by the Order-in-Council which authorizes a local authority to establish a reserve fund or subsequently at any time from time to time while such fund is being maintained by notice in writing to the local authority to specify what amount or proportion of the annual surplus revenue of the local authority shall be paid into the reserve fund, and the local authority must not pay into its fund any amount in excess of that so specified by the Governor in Council.

S. 8 enacts that the Governor may on the recommendation of the Minister in special circumstances permit a local authority to withhold from its reserve fund the surplus revenue or portion thereof which under s. 17 it is required to pay into such fund and that without the express approval of the Minister a local authority shall not withdraw for any purposes from the reserve fund any surplus revenue which in accordance with s. 7 it has paid into such fund.

S. 9 authorizes the investment of money from time to time standing in the reserve fund of a local authority in any investments authorized by law for the investment of trust moneys but the investments must be of a kind which can readily be converted into money at any time.

S. 10 provides that where a local authority has established a reserve fund and maintains it during the war it shall be deemed to be authorized by this Act to continue to maintain such fund for no longer than twelve months after the cessation of the war, except for such further period as may be required for closing and winding it up and realizing the investments of the money therein.

S. 11 prohibits a local authority from raising a loan for any works or undertakings while it is maintaining a reserve fund under this Act in so far as the moneys in the reserve fund are not sufficient to meet the whole of the expenditure which would be incurred in carrying out the proposed works. In such case the local authority may by loan raise the difference between the amount required for the works and the amount in the reserve fund.

S. 12 provides that moneys in a reserve fund shall not be taken into account by the local authority when in accordance with its local government Act the local authority is preparing its annual estimates of expenditure for the next ensuing year necessary to enable it to determine the rate for the general rate to be levied by the local authority in such next ensuing year.

S. 13 enacts that the Act shall continue in operation until the Governor General of the Commonwealth shall in accordance with the laws of the Commonwealth declare that the war has ended and no longer except for such longer period as may be reasonably necessary to enable a local authority to wind up its reserve fund and realize its investments of moneys therein.

Main Roads Act.—No. 12 of 1942, cited shortly as the Main Roads Act (Funds Appropriation) Act, 1942, is a special Act to authorize the payment of certain moneys to the Consolidated Revenue Fund instead of to the Main Roads Contribution Trust Account, and the payment of certain moneys to the Main Roads Contribution Trust Account from the Main Roads Trust Account.

Mining Tenements.—No. 4 of 1942, cited shortly as the Mining Tenements (War Time Exemptions) Act, 1942, is a special war time measure to authorize the granting of certain exemptions in relation to mining tenements during a time of war.

This Act must be read in conjunction with the Mining Act, 1904–1937, and will operate whenever from time to time the Commonwealth is engaged in a war in which His Majesty is engaged, and will apply in relation to every kind of mining tenements granted and held under the Mining Act, 1904–1937.

Mortgagees' Rights Restriction Act.—No. 33 of 1942 amends s. 8 of the Mortgagees' Rights Restriction Act, 1931.

That section enumerates a number of matters into which the Court must examine when hearing an application under the Act by a mortgagee for an order of the Court granting him leave to exercise his rights as mortgagee under his mortgage upon a default made by the mortgagor, the general purpose of such examination being to ensure that the granting of the order applied for will not impose upon the mortgagor a hardship greater than that which the mortgagee may suffer if his application is refused.

S. 2 of the amending Act amends s. 8 by adding thereto at the end of subsection (1) a further paragraph (*h*) as follows: "(*h*) Whether the default of the mortgagor has been caused or contributed to by circumstances attributable to the war in which His Majesty is at present engaged or to the operation of any regulation made by the Commonwealth under the Commonwealth National Security Act, 1939–1940," as another matter into which the Court must examine as aforesaid.

S. 3 provides that the principal Act may be cited as the Mortgagees' Rights Restriction Act, 1931–1942.

No. 42 of 1942 continues the operation of the Mortgagees' Rights Restriction Act, 1931–1942, for another year until December 31, 1943, and amends s. 20 of that Act accordingly.

Motor Spirit and Substitute Liquid Fuels.—No. 1 of 1942, cited shortly as the

Motor Spirit and Substitute Liquid Fuels Act, 1942, is an Act to provide for the regulation of the sale of motor spirit and substitute liquid fuels and for other purposes connected therewith.

S. 2 provides that the Act shall be construed subject to the Commonwealth Constitution and so as not to exceed the legislative power of the State so that if any provision thereof is held to be in excess of such power the other provisions shall not be affected thereby.

S. 3 contains several definitions including *inter alia* definitions of " benzole," " inflammable liquid," " mineral spirit," " motor spirit," " power alcohol," " substitute liquid fuel," and " true flashing point."

" Benzole " is defined as meaning a refined spirit manufactured in Western Australia and derived from coal and consisting essentially of benzene suitable for blending with motor spirit for use in internal combustion engines.

" Inflammable liquid " is defined as meaning liquid petroleum, kerosene and any liquid or spirit derived wholly or in part from any petroleum, shale, schist, coal, peat, and bitumen or any other similar substance and which has a true flashing point of less than 150° Fahrenheit and any other liquid which the Governor by proclamation declares to be an inflammable liquid.

" Mineral spirit " is defined as meaning any liquid or spirit derived wholly or in part from any petroleum, shale, schist, coal, peat, bitumen or any other similar substance which has a true flashing point of less than 73° Fahrenheit.

" Motor spirit " means mineral spirit used or adopted or intended to be used for the propulsion of any motor vehicle, but does not include substitute liquid fuel. A special proviso to this definition declares that the expression " motor spirit " does not refer to or include motor spirit which is the subject of interstate trade or commerce within the meaning of s. 92 of the Commonwealth Constitution while it is the subject of such trade or commerce, but refers to and includes any such motor spirit and is for the time being part of the general mass of property in this State which is completely under the power and control of this State.

" Power alcohol " means anhydrous ethyl alcohol manufactured in Western Australia and methylated as prescribed by regulations made under sub-section (4) of s. 14 of the Commonwealth Spirits Act, 1906–1935.

" Substitute liquid fuel " means benzole and power alcohol produced in Western Australia by any person undertaking in Western Australia the production of benzole or power alcohol and includes any other liquid suitable for blending with motor spirit for use in internal combustion engines which the Governor in Council by proclamation declares to be a substitute liquid fuel.

" True flashing point " in relation to inflammable liquid and to mineral spirit means the true flashing point as defined in the Schedule to the Act when the spirit is tested in the manner set forth in the said Schedule.

Under s. 3 also the Governor may by proclamation declare any liquid to be an inflammable liquid, declare any liquid manufactured or produced in Western Australia and which is suitable for blending with motor spirit for use in internal combustion engines to be a substitute liquid fuel, and alter or add to the Schedule to the Act prescribing the manner of testing inflammable liquid or mineral spirit and the construction of test apparatus. A standard model of any such test apparatus made in pursuance of any proclamation aforesaid and deposited with the Government Analyst must be so constructed as to give flash points corresponding to those given by the apparatus prescribed in the Schedule to the Act.

S. 4 provides that from the expiration of one month after the Act comes into operation no person shall in Western Australia, either as principal or agent, sell to any other person for delivery in Western Australia any motor spirit which at the time of such sale is situate in Western Australia unless he is the holder of a licence issued under this Act. This prohibition, however, will not apply to any person who buys motor spirit for the purposes of sale from a person who holds the requisite licence.

S. 5 contains the provisions regarding the application for and granting of licences to persons to sell motor spirit. Licences will be granted by the Minister who administers the Act or by some person authorized by the Minister in writing to act on his behalf, and will remain in force only to June 30, in each year commencing on July 1. The Minister or his deputy may refuse any application for a licence by any person who was previously the holder of a licence which has been cancelled.

S. 6 empowers the Minister to cancel a licence if he is satisfied that the holder thereof has failed to comply with the provisions of s. 8 of the Act or is persistently acting in breach of any provision of the Act. The Minister must, however, first give to the holder notice of his intention to cancel the licence, and must allow the time for lodging of an appeal against the proposed cancellation to expire before he proceeds to cancel the licence.

S. 7 gives to the holder of a licence who has received from the Minister notice of his intention to cancel such licence under s. 6 of the Act, and also to a holder renewal of whose licence is refused, and also to a person to whom the Minister or his deputy has refused to issue a licence a right of appeal against such proposed cancellation or such refusal. The appeal is made to the Local Court exercising jurisdiction in the district within which the place of business of the appellant is situated, and every appeal will be in the nature of a rehearing, and the decision of the Local Court on such appeal will be final and conclusive.

S. 8 places upon the holder of a licence issued under the Act a statutory duty to purchase for resale by him quantities of substitute liquid fuel according to a prescribed scale based upon the quantity of motor spirit sold by him. The price which he will be liable to pay on the purchase of such substitute liquid fuel will be fixed by regulations, and the quantity thereof which he must purchase shall not be less than a quantity equal to a prescribed number of gallons for every one hundred gallons of motor spirit sold by him during the currency of his licence. The regulations may prescribe different quantities in respect of different classes or types of substitute liquid fuel. The section also provides that in calculating for the purposes thereof the number of gallons of motor spirit sold by a holder of a licence, account shall not be taken of sales of motor spirit produced in Australia from indigenous shale, and, subject thereto, account shall be taken only of those sales in respect of which a licence is required to be held by the holder under s. 4 of the Act. Also in the case of any sale as agent by any holder of a licence, the provisions of s. 8 will be deemed to have been complied with as regards such sale upon proof that the principal is the holder of a licence and has complied with the provisions of the said s. 8. Finally the section provides that in the case of any sale of motor spirit by a non-licensed person which has been purchased by him from a licensed person such non-licensed person shall be deemed to be the agent of the licensed person in respect of such sale. Any contravention of this section is an offence but it will be a good defence to any proceedings for any such offence if the holder of the licence proves: (*a*) that he was unable to obtain any substitute liquid fuel of the class or type referred to in the charge against him; or (*b*) that he was able to obtain only a specified quantity of substitute liquid fuel of the class or type referred to in the said charge and that he purchased such specified quantity of that substitute liquid fuel.

S. 9 deals with the fixing of prices for substitute liquid fuel to be paid by holders of licences on the compulsory purchase by them of substitute liquid fuel in accordance with s. 8 of the Act. Sub-section (1) enacts that whilst prices for substitute liquid fuel continue to be fixed by regulations made under the Commonwealth National Security Act, 1939–1940 such prices shall be the prices to be paid by holders of licences for substitute liquid fuel purchased by them as aforesaid. Sub-section (2) provides that, subject to sub-section (1) aforesaid, in respect of the fixation of the prescribed price for benzole produced in Western Australia a committee shall be appointed to be known as the Substitute Liquid Fuel Prices Committee, consisting of the Chairman and two members all to be appointed by the Governor in Council, and to hold office during his pleasure.

Then follow other provisions relating to the proceedings and business of such committee. It will exercise the functions conferred on it by the Act or by regulations, and as far as may be necessary or expedient will do so in co-operation with or after consultation with certain prescribed Commonwealth authorities. It may conduct any inquiries it may think necessary and in relation thereto will have all the powers of a Royal Commission.

The price for benzole produced in Western Australia will be fixed from time to time by the Governor by proclamation on the recommendation of the said Committee.

A further provision declares that while the price for benzole produced in Western Australia is fixed by and under existing Commonwealth regulations, but the control of such price is terminated by the expiration of such regulations or any other cause, the price as then fixed shall continue to be the price for the purposes of this Act until a new price is fixed under and in accordance with s. 9 of this Act.

In making any recommendation of the price to be fixed for such benzole by the Governor after present Commonwealth control of such price is terminated as aforesaid the Substitute Liquid Fuel Prices Committee must during the period ending December 31, 1957, recommend the variation of the prescribed price existing immediately before the making of its recommendation to the extent necessary to take into account the following matters only, that is to say: any increase or decrease in the amount payable by the persons producing benzole in respect of labour and materials used in the recovery, rectification and distribution of benzole and the repair and maintenance of plant used in connection therewith, and excise duty, Commonwealth and State taxation and local government rates, and, where the persons producing benzole are also producing gas or other products from coal, any increase or decrease in the cost of producing such gas or other products which is attributable to the recovery of benzole.

In any case to which sub-section (1) and sub-section (2) of s. 9 do not apply the prescribed price for substitute liquid fuel shall be fixed by or under the regulations under this Act.

S. 10 requires that the holder of a licence who purchases substitute liquid fuel as required by the Act shall sell the same as motor spirit and not otherwise.

S. 11 authorizes inspection of books of holders of licences by persons authorized by the Minister, and makes it an offence for any such holder to obstruct, impede or interfere with any such inspection.

S. 12 imposes upon holders of licences and other persons who sell motor spirit which when sold is within the State to keep proper books and accounts and to record every sale with prescribed particulars thereof in such books.

The Minister or any officer authorized by him may require any such holder or other person to alter his method of accounting to meet the requirements of the Minister, and failure to do so constitutes an offence.

S. 13 provides for the keeping of a record in a register of all licences issued under the Act, and enacts that a copy of any entry in such register purporting to be signed by the Minister or an officer authorized by him shall be prima facie evidence of the truth of the matters stated in such copy.

S. 14 provides that every holder of a licence under the Act shall have a registered office in this State, and that all writs, summonses, notices and other documents shall be deemed to have been duly served or given to such holder if left for him at such registered office. The address specified in the application of a holder of a licence for the issue of such licence to him will upon the issue of the licence be deemed to be his registered office, and he must give to the Minister or his authorized officer notice of every change of his registered office within a prescribed time.

S. 15 empowers persons authorized by the Minister for the purpose at any time to take a sample of any substance considered to be an inflammable liquid or a mineral spirit found in the possession of any holder of a licence or of any other person and intended for sale as motor spirit for the purpose of examining and testing the same. When any such sample is taken, the person taking it must divide it into three approximately equal parts; place each such part in a separate container and seal or fasten each container. On each container he must place a label stating so far as is known the name of the occupier of the place where the sample is taken, and deliver one of the parts to the person in charge or apparently in charge of the place where the sample was taken. He must retain one part himself for future comparison and forward the remaining part for analysis by an approved analyst. The Minister is authorized to approve of persons as approved analysts for the purposes of the Act.

In legal proceedings the certificate of an approved analyst reporting the result of his analysis of a sample submitted to him for analysis will be admissible in evidence and it will not be necessary to prove that the analyst is an approved analyst. If in any proceedings the defendant disputes the correctness of the analysis by the approved analyst the third part of the sample will be analysed by the Government Analyst and his certificate as to the result of the analysis by him will be final and conclusive.

S. 16 enacts that any person who makes any default in due compliance with any of the provisions of the Act will be guilty of an offence and also prescribes a maximum general penalty up to £200 where no penalty is expressly provided for any particular offence.

S. 17 enacts that where any act which is declared to be an offence and which is committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of the offence and he may be proceeded against and punished accordingly.

Under s. 18 penalties for offences may be recovered summarily in a Court of Petty Sessions held before a Stipendiary or Resident Magistrate.

S. 20 provides for the construction of a standard model of the apparatus for testing inflammable liquid and mineral spirit to determine the true flashing point thereof and for the keeping of such apparatus in the office of the Government Analyst. As and whenever a new and improved model is constructed the Governor in Council may by proclamation declare such new model to be the standard model in place of the existing standard model. Apparatus constructed in accordance with the Schedule to the Act may be submitted to the Government Analyst for comparison with the then standard model in his possession, and upon such comparison being made, and the apparatus being found to be accurate the Government Analyst is authorized, subject to payment of the prescribed fee, to stamp the apparatus with a mark date and number.

National Emergency (Stocks of Goods).—No. 36 of 1942, cited as the National Emergency (Stocks of Goods) Act, 1942, is an Act to authorize the execution by the Treasurer of Western Australia of agreements for purposes connected with the ensuring of the provision of emergency stocks of certain goods; to ratify a certain agreement and for purposes connected therewith and to empower the Governor to exempt certain instruments from stamp duty and to amend the Stamp Act, 1921–1941, in certain respects.

This Act is a war measure designed to facilitate the establishment by the various States on behalf of the Commonwealth in various selected localities throughout Australia of stocks of foodstuffs and other supplies to meet emergencies in feeding and otherwise supplying the people in Australia in the event of any organized evacuation or exodus of such people inland from coastal areas in the event of hostile invasion by the Japanese.

Pig Industry Compensation.—No. 38 of 1942, cited as the Pig Industry Compensation Act, 1942, makes provision for the establishment of a fund for the payment of compensation to the owners of pigs and carcasses of pigs in certain cases and for purposes connected therewith.

S. 3 contains a number of definitions, of which the most material are those defining "disease," "market value," and "pig."

The term "disease" means tuberculosis or swine fever or swine erysipelas or para-typhoid or such other diseases as the Governor in Council may by proclamation declare to be diseases for the purposes of the Act.

The term "market value" of a pig means the value of the pig calculated as upon sale or delivery at the place where the pig is when dying or ordered to be destroyed and as if the pig were free from disease.

The term "pig" means any boar, sow, barrow or sucker.

S. 4 empowers the Governor by proclamation to declare any disease of pigs to be a disease within the meaning of the Act, and by proclamation to declare that the provisions of the Act shall cease to apply to any disease specified in the Proclamation.

S. 6 provides that subject to the Act, compensation shall be payable: (*a*) to the owner of any pig destroyed by or by order of a meat inspector or other authorized person pursuant to any Act or regulation or proclamation because the pig is suffering or is suspected of suffering from disease; (*b*) to the owner of any pig destroyed with the consent of the Chief Veterinary Surgeon of the Department of Agriculture or by a person approved by the Minister because the pig is suffering from or suspected of suffering from disease; (*c*) to the owner of any pig which is proved to the satisfaction of the Chief Veterinary Surgeon aforesaid or a person approved by the Minister to have died from swine fever; and (*d*) to the owner of any carcass or portion of a carcass of a pig which in accordance with law is condemned as unfit for human consumption because of disease by a meat inspector or other authorized person.

S. 7 prescribes the amount of the compensation payable under s. 6 as follows: (*a*) if after destruction the pig is found to be free from disease, the market value (subject to the prescribed deductions) of the pig; (*b*) if after destruction the pig is found to be diseased, three-quarters of the market value (subject to the prescribed deductions) of the pig when the pig has been destroyed because it was suffering from or suspected of suffering from disease.

The amount of compensation payable in respect of a pig which is proved to the satisfaction of the Chief Veterinary Surgeon or approved person to have died of swine fever shall be three-quarters of the market value (subject to the prescribed deductions) of the pig. In no case, however, will the market value of any pig for the purposes of the Act be deemed to be more than ten pounds. The amount of compensation payable in respect of any diseased carcass or portion of a diseased carcass condemned as unfit for human consumption because of disease will be determined in accordance with a scale prescribed by regulations.

S. 8 provides that the value of any pig destroyed or of any carcass or portion of a carcass condemned shall be determined by the person by whose order or under whose authority the pig was destroyed or the carcass condemned, that the value of any pig which has been proved to the satisfaction of the Chief Veterinary Surgeon or approved person to have died of swine fever shall be determined by the Chief Veterinary Surgeon or approved person aforesaid. Any owner aggrieved at the value placed upon the pig destroyed or the carcass condemned has a right of appeal to the Minister against such valuation. The Minister will appoint a competent person as an Arbitrator to determine the value of the pig or of the carcass as the case may be. The residual value of any pig so destroyed or dying or of any carcass or portion thereof so condemned will be determined in the same way as applies in determining the market value for purposes of compensation, and such residual value must in every case be deducted from the amount payable as compensation under the Act.

The owner of a pig or carcass who desires payment of compensation under the Act must make application in the manner and with the particulars prescribed by regulations. The application must be accompanied by a certificate to be furnished by the person who destroyed or ordered or authorized the destruction of the pig, or the person to whose satisfaction it is proved that pig died of swine fever, or the meat inspector or other person who condemned the carcass as the case may be. Also the application must be made within 21 days after the destruction or the death of the pig or the condemnation of the carcass as the case may be.

The same section provides further that no compensation shall be payable: (*a*) if the head only of any carcass is condemned as unfit for human consumption because of disease; or (*b*) unless the Under Secretary for Agriculture or his deputy is satisfied: (*i*) that all stamp duty (if any) payable under the Act by the owner claiming compensation in respect of all pigs of such owner and in respect of all carcasses of pigs of such owner has been paid in accordance with s. 15 of the Act; (*ii*) that the owner claiming compensation has complied with the Act and the regulations with respect to applications and claims for compensation; or (*c*) in respect of a pig introduced into Western Australia which dies of swine fever or is destroyed because it is suffering from disease if such pig dies or is ordered to be destroyed within one month after its introduction unless the Chief Veterinary Surgeon is satisfied that the pig became diseased after being introduced into Western Australia, or unless in the case of a pig ordered to be destroyed it is found on post mortem examination to be free from disease.

A claimant may be refused payment of compensation either in whole or in part if it is shown that within the two years next preceding the date when he makes his claim he has been convicted of an offence against the Act or the regulations.

Again compensation will not be payable to the owner of any pig dying of swine fever or destroyed because it is suffering from or suspected to be suffering from swine fever if the Minister is satisfied that it has at any time during the month immediately preceding its death or destruction been fed on unboiled garbage or unboiled household scraps unless in the case of a pig destroyed it is found on post mortem examination to be free from swine fever.

S. 11 enacts that when a pig is affected only with a localized form of disease the Chief Veterinary Officer or an approved person may instead of destroying or requiring such pig to be destroyed, require the owner to retain the pig under such conditions as may be prescribed by the regulations.

S. 12 enacts that persons trafficking in pigs suffering from disease with the intent of making a claim for compensation under the Act in respect of such pigs or the carcasses thereof shall be guilty of an offence.

S. 13 provides for the establishment of an account to be called " The Pig Industry Compensation Fund " and to be kept in the Treasury. Into such fund there shall be paid all sums of money received by or for the Commissioner of Stamps in respect of pig stamp duty on statements furnished under this Act and all penalties recovered under the Act. Subject to the Act moneys in the fund will be applied to the payment of compensation. Where at any time moneys in the fund are not sufficient to meet claims for compensation, such sum as the Treasurer certifies to be necessary shall be paid out of the Consolidated Revenue Fund, but shall be deemed to be an advance only to the fund, shall remain a charge thereon and be recouped when moneys in the fund are available.

S. 14 imposes on owners of pigs and carcasses of pigs or their agents a duty upon the sale thereof and regardless of the manner or time in which purchase moneys are payable to prepare certain statements relative to such sale, to affix certain pig stamp duty to such statements and transmit such statements to the purchasers within 7 days after the sale. Without affecting his liability to pay the amount of any pig stamp duty unpaid by him every owner or agent who fails to comply with s. 14 will be guilty of an offence.

S. 15 enacts that the amount of pig stamp duty payable in respect of every sale of any pig or carcass, which will be paid by affixing pig duty stamps to statements, shall be such as the Governor may by proclamation prescribe. The rate of duty, however, shall not exceed three pence for every pound of the purchase money, and the amount of duty payable upon any statement shall not exceed two shillings and six pence

S. 16 provides that stamp duties under this Act shall be denoted by adhesive stamps which will be issued by the Commissioner of Stamps. The stamps used must have printed thereon and as part of the stamp the words "Pig duty stamp." The Commissioner of Stamps is authorized to recover unpaid pig stamp duty and may do so under the provisions of the Stamp Act, 1921–1941, relating to the recovery of stamp duty under that Act.

S. 17 enacts that if on the sale of any pig to any person, such person or his agent makes any charge to the Vendor or deducts any amount from the purchase money by way of insurance or indemnity against or contribution in respect of losses incurred by reason of the death of the pig before it reaches the premises of the purchaser or by reason of any disease in or injury to the pig, such person or agent will be guilty of an offence against the Act.

S. 18 provides that any condition express or implied in any contract providing for making any charge or deducting any amount which would if made or deducted after the commencement of the Act be an offence under s. 17, shall, if made after the commencement of this Act, be void and of no effect, and, if made before the commencement of the Act, shall cease to have any further force or effect as on from and after the commencement of the Act.

Public Authorities (Postponement of Elections).—No. 13 of 1942, cited as the Public Authorities (Postponement of Elections) Act, 1942, is a war time measure which authorizes the postponement of elections of certain public authorities during a time of war and makes other provision for matters relating to such elections.

The Act relates to all elections other than an election to fill an extraordinary vacancy which by its local governing Act any public authority to which the Act relates is required to hold

In s. 2 the term "Public Authority" is defined to mean: (*a*) A Municipal Council; (*b*) A Road Board; (*c*) A Local Board of Health; (*d*) A Water Board; (*e*) A Drainage Board; (*f*) A Vermin Board; (*g*) The Fremantle Municipal Tramways and Electric Lighting Board; and (*h*) Any other board, trust, committee or association of persons constituted by or under any Act, the members or some of the members of which are required to be elected and which the Governor in Council by Order-in-Council on the recommendation of the Minister charged with the administration of the governing Act of such board, trust, etc., declares to be a public authority for the purposes of this Act.

Public Authorities (Retirement of Members).—No. 3 of 1942, cited as the Public Authorities (Retirement of Members) Act, 1942, relates to certain municipalities and road boards whose annual elections were postponed in pursuance of orders made by the Premier of the State under the authority of regulations made by the Commonwealth under the Commonwealth National Security Act, 1939–1940.

The members of road boards and of municipalities ordinarily retire in rotation according to an order of priority provided for in their respective governing Acts. The orders made by the Premier for the postponement of their respective annual elections made no provision for preserving or maintaining the said rotation of retirements, and this Act was passed to rectify such omission.

Road Districts.—No. 5 of 1942, cited as the Road Districts Act Amendment Act, 1942, amends the Road Districts Act, 1919–1941. S. 2 amends s. 65 of the principal Act which deals generally with the appointment of returning officers in connection with the election of members of road boards. Sub-section (3) of such s. 65 enacts that a person who acts as returning officer at any election shall not be or become a candidate at such election. That sub-section (3) is now amended so as to extend the prohibition contained therein to persons who act as deputy returning officers.

S. 3 amends s. 66 of the principal Act, which provides that a returning officer may appoint persons to act for him as deputy returning officers.

The section is now amended by inserting therein after sub-section (1) a new sub-section (1*a*) as follows: (1*a*) Any member of the Board, other than the Chairman, may be appointed by the Chairman under sub-section (1) of this section to be a deputy returning officer, and when a member of the Board is so appointed nothing in this Act shall operate so as to prevent him being paid and accepting payment or remuneration for his services as deputy returning officer and in such case s. 24 of this Act shall not apply.

Paragraph (22) of s. 162 is now amended so as to extend the authority to the Board to purchase unimproved land for the purpose of erecting dwelling houses, and to purchase land with dwelling houses already erected thereon for occupation by employees, and to pay the cost of such purchases and the erection of dwelling houses out of ordinary revenue as well as out of loan moneys if approved by the Minister.

No. 31 of 1942, cited as the Road Districts Act Amendment Act (No. 2), 1942, amends s. 286 of the Road Districts Act, 1919–1942.

That section permits a road board pending the collection of rates or the receipt of grants or subsidies from the Government to raise money from a bank by means of an overdraft on its current account for the purpose of commencing, carrying on or completing works. It is now amended by the insertion of words which will enable the Board to raise money in the manner above-mentioned for the purpose of meeting urgent commitments of the Board in respect of loans.

Rural Relief Fund.—No. 39 of 1942, cited as the Rural Relief Fund Act Amendment Act, 1942, amends s. 11 of the Rural Relief Fund Act, 1935, which provides for a fund called "The Rural Relief Fund," makes provision for the administration of that Fund by trustees; enables the trustees to issue stay orders to farmers where no voluntary arrangement has been come to between a farmer and his creditors under the Farmers' Debts Adjustment Act, 1930–1934, and amends the last mentioned Act.

S. 11 of the Rural Relief Fund Act, 1935, declares that the form of relief to be given to necessitous farmers shall be in the form of an advance from the said Fund, and prescribes the manner in which repayment of such advance shall be made, and the times at which and the instalments by which such repayment shall be effected.

The said section is amended by adding thereto a new sub-section (3) which enacts that where the Trustees of the Fund are satisfied: (*a*) that a farmer has enlisted as a member of the Forces; or (*b*) that the property over which an advance under the said Act has been secured by a mortgage or charge is situate within a marginal area; or (*c*) that a farmer's debts have been adjusted under the Farmers' Debts Adjustment Act, 1930–1934, or this Act and since such adjustment the principal secured creditor has voluntarily written down or adjusted his debt in favour of the farmer; or (*d*) that a farmer has abandoned his property and the mortgagee is obliged to sell the property for a sum less than the full amount of principal and interest then due under the mortgage; or (*e*) that the farmer is for any other good reason deserving of assistance, the

Trustees may subject to the consent of the Minister for Lands and with the approval of the Governor write off the whole or such portion of the aggregate indebtedness of the farmer as the Trustees consider just and equitable in the circumstances.

Stamp Act.—No. 40 of 1942, cited as the Stamp Act Amendment Act, 1942 amends the Stamp Act, 1921–1941. A new s. 75A is inserted in the principal Act after s. 75 and deals with cases where owing to man power difficulties occasioned by the present war branches in Western Australia of banks have been closed, and the business of such branches has been transferred to other banks in Western Australia. In such cases the Commissioner of Stamps is empowered to recommend to the Minister and the Minister is empowered to direct that any instruments ordinarily charged with stamp duty, the execution of which in relation to securities is made necessary by the closing of the branch or the transfer of its business to another bank shall be exempt from stamp duty.

Alunite Industry Partnership.—No. 28 of 1942, cited as the State (Western Australian) Alunite Industry Partnership Act, 1942, approves and ratifies an Indenture of Partnership entered into by the Treasurer of the State with certain persons in relation to the production and treatment of alunite deposits and the sale of chemical products obtained therefrom. The objects and purposes of the Act are more clearly explained in a special preamble which reads as follows: "Whereas the Treasurer acting by virtue of the authority conferred upon him by the National Security (Western Australian Alunite Deposits) Regulations as contained in Statutory Rule 1942, No. 342 (Commonwealth), acquired certain partnership interests in certain mineral leases and thereupon entered as a partner into the partnership and executed the Indenture of Partnership a copy of which is set forth in the Schedule to this Act and whereas it is deemed desirable and expedient that the said Indenture of Partnership shall be approved and ratified by this present Parliament. Be it therefore enacted, etc."

Vermin.—No. 5 of 1942, cited as the Vermin Act Amendment Act, 1942, amends the Vermin Act, 1918–1938, by substituting a new definition of "Holding."

The new definition reads as follows:—

"Holding" means any parcel of land as defined and identified by metes and bounds and by a number or other particulars in the certificate of title, crown lease or other instrument of title by which the ownership of such parcel is evidenced. The term includes any parcel of land aforesaid whether held or used or occupied: (*a*) in fee simple; (*b*) under pastoral lease, conditional purchase lease or other lease granted by the Crown or as a homestead farm; (*c*) as a public reserve; (*d*) as a timber lease or timber concession; (*e*) as land under a saw mill or other permit under the Land Act, 1898, or any amendment of that Act or under the Forests Act, 1918.

Apart from the desirableness of the definition being drafted in a better and clearer form the new definition was necessary to overcome an operation of the former definition, which was not intended, and which was given to it by a legal interpretation of the words "constituting or worked as one property" in the former definition. The effect of the said legal interpretation was to deprive certain farming properties of a statutory exemption from vermin rates under. s 59 of the principal Act, although it is clear that Government policy intends that such properties shall enjoy such exemption.

A proviso to sub-section (2) of s. 59 of the principal Act provides that whenever and so long as a holding is and remains enclosed with a rabbit-proof fence and such fence is maintained in good repair the holding shall not be liable to be rated for vermin rate under the Act. The sub-section (2) is now amended by adding thereto a further proviso which provides that where two or more holdings are situated within an area of land which is completely enclosed with a rabbit-proof fence and the said area of land and the said holdings are owned by one and the same person each and every one of such holdings shall for the purposes of s. 59 be deemed to be enclosed with such rabbit-proof fence, notwithstanding that such fence is not erected upon all of the boundaries of the holding.

S. 4 amends s. 94 by the addition thereto of a proviso that upon a complaint being made against an owner or occupier, the Court hearing the complaint shall have discretion to inquire whether there is any reasonable justification or excuse for such owner or occupier failing to destroy vermin or eggs on his holding to the satisfaction of an inspector or authorized person, and if in the opinion of the Court such reasonable justification or excuse exists the Court may dismiss the complaint or adjourn the hearing for the purpose of allowing the owner or occupier such further time to destroy such vermin or eggs as the Court thinks fit. The new proviso also provides that all complaints laid under s. 94 shall be heard and determined by a police or resident magistrate.

S. 6 amends s. 126 of the principal Act by adding words to sub-section (2) which provide that where an owner or occupier is in the opinion of a Vermin Board in necessitous circumstances the Board may sell or supply poison to such owner or occupier at a price less than the cost thereof.

Water Boards.—No. 6 of 1942, cited as the Water Boards Act Amendment Act, 1942, amends s. 108 of the Water Boards Act, 1904–1941.

The sole object of the amendment is to bring Water Boards into alignment with other local governing bodies such as municipal councils, road boards, health authorities, etc., with respect to sales of land by such authorities for non-payment of rates.

West Australian Meat Export Works.—No. 24 of 1942, cited as the West Australian Meat Export Works Act, 1942, ratifies an agreement for the purchase by the Government of Western Australia of the undertaking, assets and business of the West Australian Meat Exports Company, Ltd., also ratifies the purchase price paid; establishes the West Australian Meat Export Works as a State Trading Concern; and validates all transactions hitherto carried on by the West Australian Meat Export Works

IV. NEW ZEALAND

[*Contributed by* J. Christie, Esq., C.M.G., *Counsel to the Law Drafting Office.*]

A General Election of members of the House of Representatives was held in September, 1943, when the Labour Party under the leadership of the Right Hon. Mr. Fraser was returned to office.

The First Session of the new Parliament was begun in February, 1944, and ended in December of the same year. During this period the House sat on 91 days, and passed 35 Public Acts and 13 Local Acts. The following Review deals briefly with the most important of the Public Acts passed during the Session, in the order in which they were enacted.

Government Railways.—All the main railway services in New Zealand are owned and operated by the State. Hitherto conditions of employment in the railway service (including rates of pay) have been under direct governmental control. This method of control is now departed from. The Government Railways Amendment Act (No. 2) provides for the establishment of a Government Railways Industrial Tribunal, consisting of three members, of whom one is an independent Chairman (in fact a Stipendiary Magistrate). Of the others, one is appointed to represent the Minister of Railways and the other to represent the members of railway-service organizations.

No employee in the Railways Service is eligible for appointment as a member of the Tribunal. The Tribunal has authority to fix rates of wages and other conditions of employment in the service. No appeal, except on the ground of lack of jurisdiction, lies from any order of the Tribunal. As in other countries, the practice of setting up Special Tribunals is growing in favour in New Zealand, but on the whole the principles formulated by the Right Hon. Lord Greene in his Haldane Memorial Lecture (1944) seem to have been fairly well observed with respect to the present Tribunal; in any case the importance of the recognition of those principles seems to be more fully realized now than it once was.

Invercargill Licensing Trust.—No. 4 is the authority for the initiation of a local experiment with respect to the conduct of hotels and the sale of intoxicating liquor. It is generally admitted that the licensing laws of New Zealand are antiquated and stand in urgent need of reform. Indeed, a Commission has recently been set up to inquire into the whole matter and to make recommendations for the reform of the existing system.

For many years, as a result of a " local option " poll, the Invercargill Licensing District was a " no-licence " area (in which no licences could be granted for the sale of liquor and in which, except for medicinal or other limited purposes, liquor could not be lawfully sold). At a recent poll of electors, held in accordance with the Licensing Act, 1908, a proposal for " the restoration of licences " in the district was carried. Many practical difficulties stood in the way of giving effect to the result of the poll in terms of the Licensing Act, and an entirely new system has been inaugurated in the district by the Invercargill Licensing Trust Act. This Act establishes a Trust of six members, of whom three are appointed to represent the interests of the two local authorities that are primarily concerned, and three are appointed as Governmental representatives. The Trust is given authority, *inter alia,* to establish hotels for the accommodation of the travelling public, and to sell intoxicating liquor, without the necessity of a licence under the Licensing Act, in those hotels or in other premises. Authority is also given to the Trust to distribute its net profits, in whole or in part, for the encouragement within the district of education, science, literature, art, physical welfare and other cultural, recreational, or philanthropic ends. By the abolition of the objective of personal profits it is hoped to avoid some, at least, of the evils that have become associated with the trade of dealing in intoxicating liquors.

Holidays for Workers.—The Annual Holidays Act (No. 5) imposes an obligation on employers to allow to the workers employed by them two weeks' annual holiday, for which they are entitled to be paid at ordinary rates. Special provisions to secure to workers the rights conferred on them by the Act are made to meet cases of casual employment and to meet cases where the employment of a worker is terminated before his holiday rights have matured.

Local Elections and Polls.—Hitherto the ownership or occupation of rateable property has been a necessary qualification for enrolment as an elector in a county or other rural area. By the Local Elections and Polls Amendment Act (No. 6) a residential qualification is made a sufficient qualification for enrolment as an elector, but this in itself does not qualify an elector to vote at a poll of " ratepayers." The amendment of the law in this particular brings the election of rural local authorities into line with the election of municipal authorities. The amending Act imposes, as a complement to the right to vote, an obligation on qualified persons to apply for enrolment as electors. A more questionable alteration of the former law is made by s. 10 of the amending Act, which qualifies employees to be candidates for election as members of the local authorities by which they are employed, and, if elected, to hold the dual position of member and employee.

Mental Nurses.—The Nurses and Midwives Registration Amendment Act (No. 10) makes provision for the registration of " psychiatric nurses." The purpose of the Act is primarily to encourage suitable women to devote themselves to the care of mental patients by giving to those who have undergone the necessary training and have passed the prescribed examinations a status commensurate with that of nurses engaged in general nursing duties.

Post and Telegraph Department.—The Post and Telegraph Amendment Act (No. 14) establishes yet another " special tribunal," in this case the Post and Telegraph Staff Tribunal. Unlike the Government Railways Industrial Tribunal (see note on No. 2, *supra*), the Post and Telegraph Tribunal has no authority to make operative Orders, but is merely an advisory body to assist the Minister by making recommendations as to rates of pay, conditions of employment, and other matters affecting the staff employed in the Department. The tribunal consists of an independent Chairman and two other members, of whom one is appointed to represent the Minister and the other is an officer of the Department appointed to represent the organized employees of the Department.

Earthquake and War Damage.—No. 15 repeals the War Damage Act, 1941 (*Jour. Comp. Leg.*, Third Series, Vol. XXV, p. 154) and substitutes for the War Damage Fund established by that Act an Earthquake and War Damage Fund to be administered by an incorporated Earthquake and War Damage Commission.

Property that is insured under a contract of fire insurance must also be insured against war damage and earthquake damage. The expression " earthquake damage " includes damage resulting from fire occasioned by earthquake. Premiums are payable in the first instance by the insurance companies concerned and are recoverable by those insurance companies from the owners of the insured property or other persons entitled to the benefit of the several contracts of insurance.

Further insurance (in addition to or in substitution for the insurance expressly provided for by the Act) may be provided by contract between the Commissioner and the owner of an insurable interest. The rates of premiums, the classification of risks, and the exemption of certain classes of property from the requirements of the Act, are, *inter alia,* matters to be dealt with by Order in Council.

Clerks of Works.—No. 16 makes provision for the registration of persons competent to carry out the duties of " clerks of works." The Act is generally on the same lines as the Acts relating to the registration of engineers and members of other practical professions. The term " clerk of works " is usually taken to refer to an expert in building and structural operations, appointed by or on behalf of the person for whom such works are being carried out by a contractor. His function is to safeguard the interests of the owner by ensuring that the work is properly carried out in accordance with the terms of the contract.

Law Reform.—The Law Reform Act (No. 18) contains six operative sections, each of which makes an important change in the common law. The following notes indicate the subject-matter of the several sections and the corresponding provisions (if any) made by other Legislatures.

S. 2 (Cf. 1932, No. 4070, s. 4, Victoria) relates to the recovery of damages for injury resulting from mental or nervous shock.[1]

S. 3 provides for the recognition of claims made against the estate of a deceased person and founded on an unfulfilled promise or undertaking by the deceased in his lifetime to make testamentary provision to reward the claimant for services rendered by the claimant to the deceased in his lifetime. Actions to enforce claims founded on the section are enforceable only in the Supreme Court and are to be heard by a Judge without a jury.

S. 4 (Cf. 15 Geo. V, c. 20, s. 61) extends to deeds, contracts, wills, orders, and other instruments the rule of interpretation (applicable to statutes) that the term " month," unless the context otherwise requires, means a calendar month.

S. 5 (Cf. 17 & 18 Geo. V, c. 41, s. 1) excludes the rule against perpetuities from operating in respect of Superannuation Funds established to provide retiring-allowances or pensions for employees.

---

[1] For a note on the corresponding Victorian section see *Jour. Comp. Leg.*, Third Series, Vol. XVI, p. 89.

S. 6 (Cf. 15 Geo. V, c. 20, s. 163) validates certain classes of gifts that would otherwise be void for remoteness.

S. 7 (Cf. 15 Geo. V, c. 20, s. 177) provides that wills expressed to be made in contemplation of marriage shall not be revoked by the solemnization of the marriage contemplated.

Distribution of Intestate Estates.—The Administration Amendment Act (No. 19) repeals the former law as to the distribution of intestate estates, and substitutes provisions that follow closely the provisions of ss. 46, 47, 49, and 50 of the Administration of Estates Act, 1925 (15 Geo. V, c. 23, Imp.). A new provision is to the effect that the relationship of a mother to her illegitimate child who has not been adopted, and of the child to its mother, shall, for the purposes of the Act, be deemed to be a legitimate relationship.

Law of Contract.—The Frustrated Contracts Act (No. 20) makes with respect to contracts governed by the law of New Zealand provisions corresponding to the provisions of the Frustrated Contracts Act, 1943 (6 & 7 Geo. VI, c. 40, Imp.).

U.N.R.R.A.—The United Nations Relief and Rehabilitation Act (1944 No. 21) " approves " the U.N.R.R.A. agreement, a copy of which is set out as a Schedule to the Act.

Statute Law Revision.—The Statutes Amendment Act, No. 25, consists of 70 operative sections and amends 35 unrelated Acts. Before the practice was adopted (in 1936) of passing an annual Statutes Amendment Act it frequently happened that miscellaneous amendments of the law were included in Finance Acts and other equally inappropriate statutes, so that it became very difficult for legal practitioners and other persons concerned to know with certainty the statute law on any matter. The present practice has much to commend it, for it shortens debate and expedites the work of Parliament. It is unfortunate, however, that the practice of including miscellaneous amendments of the law in Finance Acts has not been wholly abandoned. An example of the continuance of this bad practice is to be found in the Finance (No. 3 Act) (1944 No. 31, *infra*), in which is included an amendment of the Immigration Restriction Acts, with reference to Chinese immigrants.

A danger in connection with the annual Statutes Amendment Act lies in the possibility of its being used for matters of a degree of importance that calls for the closer Parliamentary scrutiny normally given to Bills which relate to one topic only or to related topics. There is nothing, however, in the Statutes Amendment Act now under review that is not appropriate to an Act of its kind or that calls for special mention here.

Milk.—No. 30 is a comprehensive measure containing 122 sections. It is described in its long title as " An Act to provide for the regulation and control of the supply and distribution of milk in metropolitan and other areas, with a view to the provision at a reasonable price of an adequate supply of milk of the best quality, having regard to the health of the inhabitants of the areas; and for that purpose to set up a Central Milk Council and define its functions and powers, to authorize the setting up of Metropolitan Milk Boards, and to define their Powers and the Powers of certain local authorities in relation to the supply and distribution of milk." How it is proposed to attain these ends is too long and complex a story to be told here. The Act is to be administered by the Director of the Milk Marketing Division of the Marketing Department, acting under the Minister of Marketing.

Finance.—No. 31 is not limited to financial matters. Part III, for example, repeals those provisions of the Immigration Restriction Acts that imposed special restrictions (including a poll-tax of £100) on the entry of Chinese immigrants into New Zealand.

These restrictions were first imposed in 1881 (when the poll-tax was fixed at £10), at a time when Chinese labourers who were attracted to New Zealand by the gold-mining industry specialized in salvaging gold from "claims" that had been already worked. The discrimination against the Chinese has long been recognized as inequitable, but public, or rather political, sentiment was somewhat indifferent before the present war. The removal of the special restrictions puts the Chinese in the same position as other intending immigrants who are not of British birth and parentage. (See *Jour. Comp. Leg.*, Third Series, Vol. IV, p. 100).

Part IV. of the Act now under review temporarily amends the Civil List Act. It is expressed to continue in force until the 31st March following the termination of the war. *Inter alia,* it fixes the rates of the honoraria payable to members of the General Assembly at £500 per annum for members of the House of Representatives and £375 per annum for members of the Legislative Council. In addition an allowance of £250 per annum is provided for members of the House of Representatives as a set-off against expenses incurred in connection with their parliamentary duties.

Emergency Regulations.—Though the powers conferred on the Governor-General in Council by the Emergency Regulations Act, 1939, to make emergency regulations are so wide as to be almost unfettered, it is the practice to pass at the close of each session of Parliament an Act expressly validating all emergency regulations not theretofore validated in like manner. By the Emergency Regulations Amendment Act (No. 35) it is provided that all such regulations shall for all purposes be deemed, as from the making thereof, to have been made with full power and authority and to be and to have been valid and of full effect.

V. WESTERN PACIFIC

1. FIJI

[*Contributed by the* ATTORNEY GENERAL.]

TWENTY-SEVEN Ordinances were passed during the year, of which seventeen were amending Ordinances or Ordinances of a purely local or transitory nature.

Fijian Affairs.—No. 3 provides for the reorganization of the administration of Fijian affairs, and in addition to consolidating and amending the existing provisions in regard to the functions, duties and procedure of the Council of Chiefs, Provincial and District Councils, and Provincial and District Courts, also provides for the review of decisions of Fijian Courts, and for reference to the Fijian Affairs Board and the Council of Chiefs of all Bills affecting Fijians prior to introduction to Legislative Council.

Revised Edition of the Laws.—No. 4 provides for the preparation and publication of a revised edition of the laws of the Colony.

Fiji Servicemen's Aftercare Fund.—No. 5 provides for the appointment, powers and duties of the Trustees and Committee of Management of a special fund raised for the aftercare of Fijian servicemen and their dependants, and declares the purposes for which and the manner in which such fund shall be applied.

Penal Code.—No. 18 enacts a codification of the criminal law of the Colony.

Criminal Procedure Code.—No. 19 makes provision for the procedure to be followed in criminal cases.

Magistrates' Courts.—No. 20 provides for the constitution of Magistrates' Courts, the appointment of Magistrates and of Justices of the Peace, and for the regulation of their duties and jurisdiction. This, together with necessary consequential amendments to the Supreme Court Ordinance, and the procedure provided by the Criminal Procedure Code, in general provides for a reorganization of the magisterial jurisdiction of the Colony by increasing such jurisdiction in both civil and criminal causes.

Bankruptcy.—No. 22 replaces the existing Ordinance of 1889 and brings the law of the Colony relating to bankruptcy into line with United Kingdom legislation.

Companies.—No. 23 replaces the existing Ordinance of 1913, and subject to certain minor modifications brings the law relating to companies into line with present United Kingdom legislation.

Adoption of Infants.—No. 25 provides for the adoption of infants in the Colony and the procedure to be followed, and for that purpose closely follows United Kingdom and other Colonial legislation on this subject. Prior to this Ordinance no provision existed for adoption.

Military Units.—No. 26 was enacted to regularize the employment out of the Colony of units established under the Military Units Regulations, 1942, and for that purpose re-enacted the provisions of those Regulations.

2. GILBERT AND ELLICE ISLANDS

[*Contributed by the* High Commissioner.]

Only two Ordinances were passed in the year.

Military Units.—No. 1 applies the Military Units Regulations, 1943, to units established under such Regulations when employed out of or beyond the Colony.

Pensions Amendment.—No. 2 made certain amendments to the Pensions Ordinance, 1941, in particular making provision for payment in respect of the death of an officer as a result of the present war, while travelling to or from the Colony. At the same time the Regulations made under such Ordinance were amended.

War Legislation.—The High Commissioner by virtue of his powers under the Emergency Powers (Defence) Acts, 1939 and 1940, has also enacted two regulations: (*a*) Defence (Entry and Residence Permits) Regulations, 1944, which require any person, other than a native, entering or desiring to reside in the Colony, to obtain a permit so to do from the Resident Commissioner or from the High Commission; and (*b*) Defence (General) (Amendment) Regulations, 1944, providing for the enforcement of agreements to join ships outside the Colony.

3. BRITISH SOLOMON ISLANDS PROTECTORATE

[*Contributed by the* High Commissioner.]

Only two King's Regulations were promulgated in the year and were similar to the Ordinances passed in the Gilbert and Ellice Islands.

War Legislation.—The High Commissioner by virtue of his powers under the Emergency Powers (Defence) Acts, 1939 and 1940, has also enacted three regulations: (*a*) Military Units (Amendment) Regulations, 1944, applying the principal regulations to both sexes; (*b*) Defence (War Materials Production) Regulations, 1944, providing for the establishment of a War Materials Production Board, and giving to such Board power to control the production, disposal and sale of copra, rubber and other products of the Protectorate; (*c*) Defence (General) (Amendment) Regulations, 1944, providing for the enforcement of agreements to join ships outside the Protectorate.

Special Regulations.—During the year only one Special Regulation has been made by the Resident Commissioner under his emergency powers. He has made the Entry and Residence (Permits) Regulation, 1944, which requires any person, other than a native, entering or desiring to reside in the Protectorate, to obtain a permit so to do from the Resident Commissioner, or the High Commission.

4. KINGDOM OF TONGA

[*Contributed by* C. W. S. JOHNSON, ESQ.]

SIX Laws were enacted in the year.

Court Fees.—No. 3 amends the schedule to the Court Fees Act, 1927, by providing that where in the Magistrate's Court the amount claimed in a civil action is over £50 the fee payable on issue of summons shall be £3. This amendment became desirable when the civil jurisdiction of the Chief Police Magistrate was increased from £50 to £300, since previously the summons fee in the Magistrate's Court was four shillings. The fee remains that sum where the amount claimed is £50 or less.

Order in Public Places.—S. 3, sub-section (22) of the Order in Public Places Act, 1921, prohibits any person from appearing within the boundaries of a town without an upper garment. No. 4 has worked hardly in recent years on account of poverty in certain districts and general inability to obtain clothing. The amending Act grants the Queen in Council discretionary power to exempt particular districts for any period the Council may deem fit.

Intoxicating Liquor.—No. 5 amends the Intoxicating Liquor Act, 1918, by permitting the importation of spirits less than 35 per cent. under proof. Previously the minimum under proof, with the exception of gin and rum, was 25 per cent.

No. 14 increases the maximum penalty for offences under the Manufacture of Intoxicating Liquor Act, 1942, to seven years penal servitude. The amendment appears severe, but was necessary on account of the tremendous increase in home brewing, and distillation of alcoholic liquors. The amendment has the result of making such offences indictable instead of summary as heretofore.

Marriage and Registration.—No. 6 amends the Marriage and Registration Act, 1926, by making the registration of marriages compulsory within three weeks of the performance of the marriage ceremony. No period of time was laid down previously.

Criminal Offences.—No. 7 amends the Criminal Offences Act, 1926, by providing for whipping for first offences of theft, receiving property knowing it to have been stolen, robbery and obtaining by false pretences. Previously a sentence of whipping could only be passed upon a second conviction for larceny, but recent increases in this type of offence made the amendment unavoidable.

Inquests.—No. 8 amends the Inquests Act, 1912, by substituting the words " District Officer " for the word " Mayor " wherever the latter word occurs in the principal Act. The administrative post of " Mayor " has long been abolished, the duties of that office having been taken over by District and Town Officers.

Port and Service Tax.—S. 2 of No. 10 amends the Port and Service Tax Act of 1940 by increasing that Tax from 3 per cent. to 6 per cent. on the value of goods imported to the Kingdom.

S. 3 of the amending Act exempts from Port and Service Tax articles imported for the use of the reigning monarch.

Customs.—No. 11 removes from the Customs Regulation Act, 1903, the extremely high minimum punishments provided therein. The removal of minimum punishment clauses is in conformity with present policy.

Fonos.—" Fono " is the Tongan word for a public meeting called by a senior official or person of rank, and it is at " fonos " that Government policy and legislation are made known to the public.

There has been a recent tendency for the public to ignore such meetings, which are compulsory; thus an increase in the maximum fine which may be passed for non-attendance has become necessary and has been made by No. 12.

Bicycle Registration.—No. 13 provides for the Registration of Bicycles. The principal purpose is to assist the police in the tracking of stolen bicycles, but the Act will also bring in a small amount of revenue from the approximately 500 bicycle owners in the Kingdom.

Divorce.—No. 15 amends the Divorce Act, 1927, by making separation for five years or more, irrespective of the cause of such separation, grounds for divorce.

Town Regulations.—No. 16 amends the Town Regulation Act, 1903, by prohibiting live pigs or goats within the boundaries of the three principal towns in the Kingdom.

5. NEW HEBRIDES

[*Contributed by the* RESIDENT COMMISSIONER.]

TWENTY-FOUR Joint Regulations were made in the year.

The subjects included the prohibition of manufacture and sale of native curios, War Surtax, importation and sale of motor vehicles, recruitment of native labour, export duty on cocoa, customs duties, dog tax, publication of regulations, trading licences, control of rents, and import duties. The remainder may be listed under the date of promulgation:

March 22—Food and Drink Sanitary Control Joint (Defence) Regulation No. 3 of 1944, to ensure the purity of food and drink served or prepared by commercial establishments for consumption by personnel of the armed forces.

May 21—Traffic Regulation Amendment (Defence) Regulation No. 6 of 1944 to ensure co-ordination of civilian and military traffic control.

June 21—Casual Labour (Santo) Joint Defence Regulation No. 8 of 1944 to control the work and wages of casual native labourers at Santo.

July 18—Control of Alcoholic Liquor Restaurants Joint Defence Regulation No. 11 of 1944 to control sales of alcoholic liquor by restaurants and establishments used almost exclusively by military personnel.

July 22—Protection of Civilian Supplies Joint (Defence) Regulation No. 12 of 1944 to conserve supplies of certain essential commodities in short supply for the civil population in view of the rationing thereof by the Commonwealth of Australia.

July 27—Prevention of Tick Disease Joint Regulation No. 13 of 1944 to prohibit the entry into the New Hebrides of cattle subject to tick disease from New Caledonia and Dependencies.

August 21—Joint (Defence) Regulation No. 14 of 1944 to prohibit the importation, sale or circulation of various newspapers and pamphlets.

November 6—New Hebrides Joint Police Regulation No. 22 of 1944 to repress acts committed by natives of a nature to disturb the public peace.

VI. SOUTH AFRICA

1. UNION OF SOUTH AFRICA

[It is hoped to publish the review in the next issue.]

2. CAPE PROVINCE

[*Contributed by* A. J. PIENAAR, ESQ., K.C.]

IN its two sessions the Provincial Council of the Cape Province showed considerable activity, resulting in a legislative output of 29 Ordinances filling 370 pages of the Office Statute Book. Of these five were the stereotyped financial measures, 16 were ordinances amending existing legislation and the remainder were consolidating (and amending) or new legislation. The Auction Sales Tax was passed in the first Session and amended in the second; so too the Ordinance amending the law relating to Divisional Councils was again amended and added in the second Session. These are glaring examples of piecemeal legislation.

Land Expropriation.—Ordinance No. 9 of 1939 empowered the Administrator to expropriate land for educational (other than higher education) purposes, or for any "other purpose which the Administration is by law[1] authorized or required to perform." That Ordinance was modelled very largely on c. III of the Slums Act (No. 53 of 1934). The main purpose of the amending Ordinance (No. 1) is to make provision for determining the amount of the compensation to be paid for land which forms a portion of a larger area of land, the value of such portion not being shown separately on the valuation roll of the local authority concerned. This Ordinance provides that such value shall be fixed by a sworn appraiser agreed to by the parties concerned; and failing agreement appointed by the Minister of Interior. It is further provided that an arbitrator may fix what he deems to be a fair value in excess of the value shown on the valuation roll up to not more than 30 per cent., if the average price of land in the neighbourhood over the preceding three years is higher than the value shown on the valuation roll.

Auction Sales.—No. 7 was passed in the first Session of the Provincial Council and amended in the second Session by Ordinance No. 20. The following is a summary of the principal provisions of the combined Ordinances. Ss. 2 and 3 impose a tax on sales by public auction, at the rate of one per cent. of the sale price of land and leases and of agricultural and pastoral produce, including live stock and meat, and at the rate of two and a half per cent. on the price of movables. Except in the Transkeian Territories (occupied mainly by natives) the tax is payable by the seller through the auctioneer or his agent. S. 5 provides that the auctioneer shall be regarded as the agent of the seller and be responsible for the payment of the amount of the tax to the Receiver of Revenue. In the Transkei the auctioneer is regarded as the agent of the purchaser in respect of livestock. Other sections provide for the time of payment and the collection of the tax, the keeping of records, refunds in case of cancellation of a sale, security to be provided by the auctioneer and other provisions common to taxation measures. Exemptions include sales by the Government and other public bodies, a sale in execution of a judgment and pound sales, sales of wool, mohair hides and skins, agricultural and pastoral produce by a market master, i.e., an auction sale held in the market of a local authority.

Divisional Councils.—No. 11 which amends the principal Ordinance (No. 13 of 1917) is devoted to an overhaul of the provisions dealing with the preparation of the voters' rolls, and the qualifications of voters. A new section is substituted for s. 25 which had been amended on five previous occasions. After having passed an Ordinance of very considerable size the Legislature at its second Session passed a further and larger amending Ordinance (No. 22), which in turn amends No. 11 and also amends other provisions of the main Ordinance, such as those dealing with the qualifications and disqualifications of councillors, the qualifications of voters, the appointment, suspension and dismissal of officials, the proclamation, construction, maintenance and width of public roads, the transfer of land, and other miscellaneous provisions.

Horse-racing and Betting.—No. 13 prescribes that holders of licences (i.e., racing clubs) shall comply with the rules of the S.A. Jockey Club, but the Administrator has the right to disapprove of any specific rule. If a club has failed to comply with any rule the Administrator may withdraw its licence. After December 31, 1945, a licence may be issued only to a non-proprietary club. The effect of this is that clubs, the members of which had hitherto been entitled to a dividend or share of the profits arising from its operations will have to change their constitution or cease to race.

---

[1] The Supreme Court, Capetown, has decided that the Ord. (as amended) is *intra vires* the Provincial Administration. (*Joyce and McGregor* v. *Administrator*. 1945 C.P.D.).

Game.—The interesting feature of No. 16 is that it enables a magistrate of a specified district to issue permits to kill a specified number of Kudu (which are royal game) if he is satisfied that in that district they are infected with tuberculosis.

Museums Employees' Pensions.—No. 17 is another instalment of "Social Security." It enables Boards of Trustees controlling public museums to establish pension funds for its employees, to pay such pensions or other retiring benefits or gratuities to dependants on the death of an employee. Two or more Boards may combine to establish a joint fund. The Ordinance is modelled on Ordinance No. 17 of 1943 (see *Rev. of Leg.* Vol. XXVII, p. 100) which made similar provision in respect of local authorities. The number of persons affected cannot be very large for there are probably not more than eight such institutions in the Province.

Teachers' Salaries and Pensions.—No. 18 is a massive measure filling 60 odd pages of the Statute Book. It replaces cc. 16 and 17 of the principal Ordinance (No. 5 of 1921). These chapters dealt with the classification, grading, remuneration and pensions of teachers in schools for Europeans, and in schools for Coloured Persons (note "coloured" does not include "native"). These chapters had frequently been amended, and the Legislature while providing for all-round increases in salaries and pensions has wisely cleaned the slate and consolidated previous legislation. How long the slate will remain in this state is merely a question of time. C. III of the Ordinance contains miscellaneous provisions, of which some amend the principal Ordinance and others are new. Of interest is s. 57 which provides that any period of active service by a teacher during the war in the Union forces or with the forces of an Ally shall be deemed to be teaching "experience"—so that for the purpose of grading, salary increments and pensions the teacher shall have the benefit of that period. The grouping of high, secondary and primary schools has been modified. S. 64, which replaces s. 167 of the original Ordinance, prescribes that in every training college provision shall be made for the use of both official languages as media of instruction in the case of all student teachers "with the ultimate aim of achieving an equal use of the two media." A later section also enables a school committee to carry out any experiment in the use of the second language of pupils as a second medium of instruction. These provisions are intended to implement the Government's policy of achieving a higher standard of bilingualism and prevent the increase in the number of schools which cater mainly and separately for one or other section of the nation. Better provision is made for the training of coloured teachers, and exhaustive and detailed provisions deal with the pensions of teachers on their transfer to or from other provinces.

Municipalities.—The parent Ordinance (No. 10 of 1912) has again experienced the annual process of patching. A new section has been substituted by No. 19 for s. 157 which was designed to clog transfer of land on which rates had not been paid. The law had aimed at collecting the arrear rates for two years before a clearance certificate would be granted allowing transfer. The difficulty was how to calculate the period. Another difficulty was the assessment of rates on a piece of land forming portion of a larger area, the value of such piece not being separately shown. The new section provides that the Town Clerk must certify that the value of the larger area has been apportioned (in accordance with s. 72 of the Valuation Ordinance No. 26 of 1944) between the piece to be transferred and the remainder of the area; if transfer is to be registered on or before March 15 then the certificate must cover the previous two calendar years, and if after March 15 the rates for the then current calendar year and the previous calendar year must have been paid. Similar provisions have been embodied in the other Ordinances dealing with other local authorities, e.g., the

D.C. and Road Amendment Ordinance, the Village Management Boards (No. 27) and the Local Boards (No. 6) Ordinances. S. 194 which prescribes Council's powers to pass regulations has again been enlarged. S. 225 has been replaced by another which adopts and applies, *mutatis mutandis,* in respect of municipalities, the land expropriation Ordinance (No. 9 of 1934) as amended by No. 1 of this year. A new section has also been inserted empowering councils to close streets temporarily to enable children to play in them.

Schools and Hospital Boards' Officials Military Service.—The long title of No. 21 gives a fair picture of the scope and purpose of the Ordinance,—viz., "to make special provision for the readmission to the service of school and hospital boards of persons who resigned from or otherwise relinquished their employment under such boards for the purpose of rendering military or other war service: for the appointment to the service of such boards persons who rendered such service." The Ordinance follows very closely Act. No. 27 of 1944 (the Public Servants (Military Service) Act), from which many appropriate sections are copied. As in the Act "resignation" includes desertion and vacating office without permission. A person who resigned may be readmitted upon applying within a specified period and he may elect to have his war service reckoned for pension purposes. Specially favourable conditions are also prescribed for persons with war service who apply for admission for the first time.

Valuation.—In 1914 the first Valuation Ordinance was passed. In 1918 the Provincial Administration became more directly concerned with the valuation of land for then an Ordinance was passed imposing a tax on land for the benefit of the Provincial Revenue Fund. The main purpose of No. 26 as of previous Ordinances was to ensure, as far as it is possible, that land on which rates and taxes are collected should be valued on a uniform basis. This was especially desirable when the jurisdiction of taxing authorities overlapped as, e.g., Divisional and Municipal Councils. The former, corresponding very roughly to County Councils, collected rates on city properties as well as on rural. This Ordinance is a consolidating one and repeals no fewer than 20 previous enactments which made the task of lawyer and general reader a nightmare. It would occupy too much space to present a reasonably full and clear summary of the measure. The long title describes it as an Ordinance to consolidate the law relating to the valuation of immovable property and to make consequential amendments to the law relating to rates and taxes. The amendments consist of amendments to the Cape Municipal Ordinance (No. 10 of 1912), the Divisional Council and Roads Ordinance No. 13 of 1917 (it will be observed from above that both these Ordinances were amended by other Ordinances this year) and the Ordinances governing the satellite local authorities, by the Village Management Boards and Local Boards.

Motor Vehicle.—In 1938 the principal ordinance was passed. It dealt comprehensively with the control and regulation of motor traffic, the registration of motor cars, and drivers, licences and kindred subjects. The present Ordinance No. 28 consists of 35 pages of what it is hoped has been learned by experience since the parent Ordinance was adopted. Without a comparative repetition of the provisions of the two enactments it is not possible to give in detail an intelligible review of the new measure. One can only hope that the changes will prove to be improvements, and not soon require amendment.

3. NATAL

Twenty-five Ordinances, of which six were local and personal in character, were passed in 1944.

Teachers' Pensions.—A war bonus is authorized by No. 7.

Charitable Institutions.—No. 12 amends the Charitable Institutions (Control)

Ordinance, 1932, by revising the definition of charitable institutions and adding a definite of contributions by which they may be supported. Contributions " shall mean contributions or money or in kind and shall include moneys raised by the sale of tickets for entertainments or any other purpose, or by the sale of refreshments or other goods or in any other manner not being by way of loan."

All charitable institutions must be registered and must be in the public interest.

Public Health.—The Commission appointed under the Local Health Commission (Public Health and Control) Ordinance, 1941, is authorized by No. 19 to supply fresh, skimmed and dried milk, fresh vegetables and fruit and firewood and such other goods as may be authorized by the Administrator. It can also disseminate information regarding the dietetic values of fresh vegetables and fruits and encourage their cultivation and use, whether with financial assistance or otherwise. The Commission may also establish places of public entertainment or other public use, recreation grounds and swimming baths. The Commission may also render financial assistance to " societies or bodies constituted or appointed in the public interest or for the inculcation of civic responsibilities."

4. ORANGE FREE STATE

[*Contributed by* F. W. A. GRAY, ESQ., B.A., LL.B.]

TWENTY Ordinances were passed by the Provincial Council during the year 1944. Nos. 1, 2, 3 and 10 were Appropriation Ordinances, No. 12 an Ordinance to provide for the Control and Licensing of Racecourses, and the remaining fifteen amending Ordinances. The Betting Amendment, Dogs Amendment, Education Amendment, Entertainment Tax Amendment, Local Government Amendment, and Wheel Tax Amendment, Ordinances, present features of interest.

Betting.—No. 11, by an amendment of the Betting Ordinance No. 4 of 1931, extends the prohibition of betting by bookmakers on certain events, to betting on the results of a dog race.

Dogs.—No. 8, in amendments to the Dogs Ordinance No. 8 of 1932, while providing for licence fees in respect of the keeping of different kinds of dogs, modifies such provisions where members of Vermin Hunt Clubs, bona fide farmers, and Vermin Hunt Clubs (as distinct from the members of such clubs), are concerned. A member of a Vermin Hunt Club is permitted to keep one dog free of charge, and a second dog or bitches, at reduced licence fees; a bona fide farmer may keep dogs and bitches at reduced licence fees, and a Vermin Hunt Club (as distinct from the members of such a club) is exempted *in toto* from the payment of licence fees in respect of dogs and bitches which are the bona fide property of the Club, and which are kept together by the Club on the same premises in kennels or under some similar arrangement. The member of a Vermin Hunt Club claiming such exemption or reduced tax, as the case may be, must be an owner or lessee of immovable property situate outside the boundaries of a local authority and in extent not less than twenty morgen, or a " bywoner " on such farm, and must produce to the officer charged with the collection of the tax a certificate signed by the Captain or Secretary of the Hunt Club, to the effect (*a*) that such dog or bitch has been duly registered as the property of such member in a register kept by the Secretary for that purpose; (*b*) that such member has paid a subscription to or otherwise fulfilled his obligations towards the Hunt Club; and (*c*) that during the twelve months immediately preceding the issue of the certificate such member or his substitute (to be approved by the Captain), as well as the dog or bitch in respect of which exemption (or the reduced tax, as the case may be) is claimed, has taken part in not less than five official hunts on vermin organized by his club. A bona fide farmer is defined as being a person who is the owner or lessee of land, situate outside the boundaries of a local authority, in extent five morgen or more, who utilizes such land for agriculture, horticulture, viticulture, stockbreeding or other similar business. A Vermin Hunt Club is stated to mean a Hunt Club duly recognized and registered in terms of the Vermin Destruction Ordinance, 1926, or any amendment thereof. Vermin Hunt Clubs and the members of such clubs exempted from payment of licence fees in respect of dogs or bitches must nevertheless, to enjoy the exemption, take out annually an exemption certificate as well as a metal badge for each such dog or bitch, a small charge being made for the certificate and badge.

Education.—No. 13 contains an amendment of the Education Laws Consolidation Ordinance No. 15 of 1930 relating to the retirement upon annuity on the grounds of ill-health of teachers of the Education Department of the Orange Free State. The 1944 Ordinance provides that a teacher who, having contributed to the fund for a period of not less than ten years, is found on grounds of ill-health not caused by his own default to be unfit to discharge his duties efficiently (a certificate to that effect having been issued by a Medical Board appointed in terms of the 1930 Ordinance), and who has therefore been retired from the service, shall be entitled to receive in respect of the period during which he has contributed to the fund, an annuity calculated in terms of the 1930 Ordinance. And if, within a period of four years from the date of his retirement in the above circumstances, he is able to satisfy the Administrator of the Province that he is again physically and mentally fit for duty, and if thereafter and before the expiration of the said period of four years he has been successful in obtaining an appointment to the regular teaching staff, then (*a*) his previous service shall be recognized for purposes of salary; (*b*) the annuity granted to him shall terminate on the assumption by him of duty in the new post; (*c*) he shall again contribute to the fund as from the date of his assumption of duty, at the same rate of contribution as at the date of his retirement; (*d*) on subsequent retirement his pension shall be calculated on the total of the periods in respect of which he has contributed to the fund.

Entertainment Tax.—No 5, by an amendment of the Entertainment Tax and Licensing Consolidation Ordinance No. 9 of 1927, after laying down a scale of charges, for the benefit of the Provincial Revenue Fund, on all payments for admission to any entertainment, the tax increasing from one penny where the payment, excluding the tax, does not exceed sixpence, to a maximum charge of 1s. 3d. where the payment exceeds 5s., and in addition threepence for every succeeding 1s. or part thereof in excess of 5s., provides that in the case of an entertainment presenting, in the opinion of the Administrator of the Province, South African music, dramatic art or elocution, or conducing to the development of a South African culture, the Administrator may, on application within a period of seven days as from the date of such entertainment, refund to the promoter an amount not exceeding 50 per cent. of both the licence fee and the tax payable under the Ordinance.

Local Government.—The only point of interest in Ordinance No. 17, amending the Local Government Consolidation Ordinance No. 15 of 1935, in certain respects is that in s. 4, which lays down that the Chairman presiding at a meeting of Councillors held for the purpose of electing a Mayor, shall have an ordinary but not a casting vote, and that in the event of the number of votes cast for any two or more candidates for the office of Mayor being found to be equal, the Chairman shall forthwith publicly determine by lot which of such candidates shall be declared elected.

Wheel Tax.—No. 20, by an amendment of the definition of the word " vehicle " contained in Ordinance No. 17 of 1931, relating to the imposition of a Wheel Tax on vehicles and bicycles, adds, to the list of conveyances to which the definition does not apply, a threshing machine or a drill. The "drill" would presumably be one used in the process of boring for water; the Ordinance does not say so, but that would be the ordinary acceptation of the meaning of the word, in the context; possibly it includes also a drill used in boring for minerals; the point may perhaps become contentious in law in the near future in view of the increasing activity in gold mining in the Orange Free State.

5. TRANSVAAL

TWENTY Ordinances, of which three were local in character, were passed in 1944.

Pensions.—Nurses and Teachers may have their pensions supplemented by a war bonus by authority of No. 6. The re-employment of pensioned nurses is the subject of No. 7. Other hospital officers and teachers are dealt with in No. 15.

Education.—Authority is given by No. 17 to establish Loan Bursary Associations under the auspices of the Education Department.

6. NORTHERN RHODESIA

7. SOUTHERN RHODESIA

[It is hoped to publish the reviews in the next issue.]

VII. BRITISH INDIA AND BURMA

1. CENTRAL LEGISLATURE

[*Contributed by* S. B. CAPOOR, ESQ., I.C.S.]

DURING the year 1944 some changes were effected in the constitutional position by the India (Miscellaneous Provisions) Act, 1944 (7 and 8 Geo. 6, c. 38). It made provision for the extension of the term of office of members of Legislative Councils in Provinces where the Governors had issued Proclamations under s. 93 of the Government of India Act, 1935, assuming to themselves the powers of the Legislative Councils. The minimum number of advisers of the Secretary of State for India was reduced to five, and provision was made for allowing leave of absence for urgent reasons of public interest, to the Governor-General or the Commander-in-Chief as often as may be necessary, and for the grant of salary and allowances to them during such leave.

The legislative output of the Centre in British India during the year under review consists of fifty-six Ordinances and eighteen Acts passed by the Central Legislature. No Regulations were made by the Governor-General during this year. The special powers conferred on the Governor-General by s. 67(B) of the Government of India Act, 1919, and kept alive by s. 317 of the Government of India Act, 1935, had to be invoked to give effect to the financial proposals of the Central Government for the financial year 1944–45, as the Legislative Assembly on political grounds refused leave to introduce the annual Finance Bill.

Ordinances.—Fifty-six Ordinances were promulgated by the Governor-General in the exercise of his powers under s. 72 of the Government of India Act, 1919, as set out in the Ninth Schedule to the Act of 1935. Twenty-two of the Ordinances were of a substantive character and the rest amended previous Ordinances or enactments. The amendments effected by eighteen Ordinances were so minor in nature that they do not call for notice.

With the exception of Ordinances Nos. 7, 21, 34, 39 and 42, the substantive Ordinances were promulgated to meet emergencies directly created by the war.

Cotton.—The Cotton Cloth and Yarn (Contracts) Ordinance (II of 1944) was designed to give full effect to the Cotton Cloth and Yarn (Control) Order, 1943, framed under the Defence of India Rules, 1939. By virtue of this Order the Textile Commissioner had on August 31, 1943, fixed the maximum prices both ex-factory and retail, at which specified varieties of cloth and yarn could be sold. While in compliance with this direction the mills granted reduction in prices to wholesale dealers, the majority of the wholesale dealers, contrary to expectation, did not pass on the benefit of the reduction to the retailers and others who had made corresponding purchases from them. To give retrospective effect to the intention underlying the Textile Commissioner's Order, the promulgation of an Ordinance was necessary. The policy of Government was to make periodical revisions of ceiling prices of cloth during wartime and so power was also taken to make the prices thus revised applicable to uncompleted past transactions over specified periods.

Defence of the Realm.—The validity of Rule 26 of the Defence of India Rule was questioned by the Federal Court in its judgment by Keshav Talpade's case (6 F.L.J. 28). An appeal to the Privy Council was lodged by the Government against this decision, but in the meantime action was urgently needed for validating the existing restriction and detention orders under Rule 26, and some of the provisions of the Ordinance No. III were designed to this end. The powers of the Government as regards restriction and detention were defined with precision, and it was also provided that orders made under, or validated by, the Ordinance, could not be questioned in any court. Finally, provision was made for the communication to the persons detained of the grounds of their detention, and for the confirmation of orders of detention passed under delegated powers, thereby bringing the powers taken by Government more nearly into conformity with the United Kingdom Defence Regulation. (Subsequently the Privy Council, in the appeal preferred by Government, has held Rule 26 as originally framed to be *intra vires* of the rule-making power conferred by s. 2 of the Defence of India Act, 1939.)

The above Ordinance was not suitable for dealing with persons who came to India from or after having been in Burma and other enemy occupied territories, and whose detention was necessary on military grounds. Hence the Military Safety (Powers of Detention) Ordinance (IV of 1944) was promulgated. Ordinance No. X extended for three months the duration of existing contracts for the supply of coal and coke to railways, this extension being subject to cancellation when a scheme for the control of prices and distribution of these commodities, which was under contemplation, came into force. No. XIII provided for the maintenance and enforcement of discipline among the members of the Burma Police Forces who had temporarily to be stationed in India. Nos. XV and XXXII were promulgated in consequence of the devastating explosions and fires which occurred in the Bombay dock area on April 14, 1944; the first vested certain powers in the Commission of Inquiry which had been set up to inquire into the causes of the disaster, and the second provided for and regulated the payment of compensation for injury to person and damage to property resulting thereby.

Railway Thefts.—Theft of railway stores had assumed alarming proportions, and for the effective suppression of this kind of crime, Ordinance No. XIX was promulgated. It placed on any person found under certain circumstances in possession of any article of railway stores the onus of proving that the article came into his possession lawfully.

Miscellaneous.—By No. XX power was taken to direct British subjects domiciled in the United Kingdom who were for the time being in India, to perform service in British ships. No. XXV was designed to provide for the control of rents in the Delhi Province. A Famine Enquiry Commission to investigate the causes of the food shortage and epidemics in India in the year 1943 was constituted by Ordinance XXVIII. No. XXX enabled the Government to make proper provision for the dependants of any soldier who was a prisoner of war or missing, out of his pay and allowances. No. XXXVII was designed to provide for the transfer of civilian personnel employed under the War Department from one department, formation, or appointment to another, notwithstanding that under the terms of their service agreements the civilians concerned were engaged in some specific capacity. By Ordinance XXXVIII, special powers are taken to prevent the dissipation or concealment of fraudulent gains obtained by means of certain offences such as the acceptance of illegal gratification, criminal mis-appropriation of Government or other public property, and cheating Government or public authorities. No. XLV validated notices issued under certain sections of the Income-Tax Act, 1922, and the Excess Profits Act, 1940, the legality of which had been impugned in a decision of the Bombay High Court. [*Commissioner of Income-Tax* v. *Ekbal & Co.* (1925) 13 I.T.R. p. 154.] No. XLVI provided for the registration of certain female European British subjects in order to make them available for work in connection with the war. The Sugar (Temporary Excise Duty) Ordinance (L of 1944), in consequence of an enhancement of the ex-factory price of sugar and of the price of cane, imposed a temporary additional duty of excise on stocks of sugar already held by factories and dealers.

Coal.—The five new Ordinances less directly connected with the war partake of the character of beneficial legislation. The acute shortages of coal during the year led to the promulgation of Ordinances VII and XXXIX. By the former a small cess is imposed on all coal and soft coke despatched from collieries in British India, the proceeds being credited to a fund which is to be utilized to promote the welfare of labour employed in the coal-mining industry. The aim is to attract labour back to this industry by improving conditions in the coalfields. No. XXXIX constitutes a fund to be called the Coal Production Fund from the proceeds of a similar duty of excise, with the object of encouraging the production, and improving the marketing and distribution, of coal and coke. One of the devices indicated is the grant of bonuses for increased production—a new departure in the field of Government control of industry in India.

Public Health.—Experience during the Bengal famine and subsequent epidemics showed that the absence of adequate powers of control by the Provinces over the medical and public health services of local authorities was a serious obstacle to effective measures for the provision of adequate medical relief and the prevention of the spread of threatened epidemics. The Public Health (Emergency Provisions) Ordinance (XXXI of 1944) was designed to make adequate provision in this respect. Pre-publication of rules, by-laws or orders connected with any purpose of this Ordinance has been dispensed with.

Cotton.—The Cotton Textiles Fund Ordinance (XXXIV of 1944) imposes a cess on exports of cloth and yarn, the proceeds to be utilized for the constitution of a Fund meant for encouraging technological research in cotton textiles and developing the foreign market for Indian textile goods. No. XLII facilitates dealings in Post Office National Savings Certificates in order to encourage their sale, and applies to them with necessary adaptations the provisions of the Post Office Cash Certificates Act, 1917.

Taxation.—Ordinance No. I gave retrospective effect to the Allied Forces (Exemption from Local Taxation) Ordinance (XXVIII of 1943). No. VIII of 1944 amends the Excess Profits Tax Act so as to exempt from this tax any bonus which the Central Government might pay to encourage the increased output of any mineral. This Ordinance is referable to the Coal Mines Labour Welfare Ordinance (No. VII) noticed above.

Profiteering.—Ordinances XII and LIII remedied certain defects which were noticed in the working of the Hoarding and Profiteering Prevention Ordinance (XXXV of 1943) and were designed to make the enforcement of its provisions more effective. From the legal point of view the noteworthy amendments are provisions for (*i*) conferring on certain members of the civil supplies staff powers of a police officer to investigate offences punishable under the Ordinance; (*ii*) permitting the innocent buyer to avoid prohibited transactions or to recover excess price; (*iii*) imposing vicarious liability on the proprietors of establishments in which transactions offending against the Ordinance might be conducted; (*iv*) casting the onus of proof in certain circumstances on the accused; (*v*) enabling certain courts to try summarily offences under the Ordinance, and (*vi*) authorizing certain Magistrates to impose a fine exceeding the normal limit of one thousand rupees for such offences.

Rule-making Power.—Ordinances XXVI and XXXV amended the Defence of India Act, 1939, in some important respects. C. xxii of sub-section (2) of s. 2 of that Act conferred powers to make rules for " controlling the use or disposal of, or dealings in, coin, bullion, securities, or foreign exchange." It was held by a Session Judge arguing from the Federal Court's Judgment in Talpade's case that rule 90(2) (e) of the Defence of India Rules, which makes it an offence to *possess* small coin in excess of personal or business requirements for the time being was *ultra vires* of the rule-making powers specifically conferred by c. (xxii). Although this finding was reversed on appeal, it was considered advisable to enlarge the scope of c. (xxii). For a similar reason, c. (ix) of s. 2(2) to which Rule 35 of the Defence of India Rules is relatable was amended so as to provide specifically for the safety of places and things not previously named therein, such as mines and factories. Certain further modifications were effected in the Motor Vehicles Act (IV of 1939). A Full Bench of the Bombay High Court while considering the effect of s. 14 of the Defence of India Act, had held that in order to oust the normal jurisdiction of the courts the words used in an Order under the Defence of India Rules must be express. Further, it was doubted whether the words " or under " in the phrase " by or under this Act " (as used in s. 14) went further than rules made under the Act and included orders made by an authority exercising delegated powers. S. 14 was therefore amended with a view to leave no room for such doubts. A court in Bombay held that the *general* restriction on export or import, imposed by Rule 90-B of the Defence of India Rules, went beyond the rule-making power conferred by c. (xxvi) of sub-section (2) of s. 2 of the Defence of India Act, in respect of " a *particular person* or a *particular* class of persons." By Ordinance XXXV, c. (xxvi) was amended so as to remedy the position, and all orders and rules in force which are relatable to this clause were validated with retrospective effect.

Miscellaneous.—Ordinance XLVII made the National Service (Technical Personnel) Ordinance (II of 1940) applicable to port trusts and shipping companies. The War Injuries (Compensation Insurance) Amendment Ordinance (LIV of 1944) extended the scheme for giving compensation to workmen sustaining war injuries to all the Administered Areas, Indian States, and the French Establishments in India. Employers whose wage bill did not exceed Rs. 1,500 in any quarter were exempted from compulsory insurance, though their workmen continued to be entitled to receive compensation from the Fund established under the Act.

Acts passed by the Central Legislature

EIGHTEEN Acts were passed by the Central Legislature, out of which as many as 14 were Amending Acts.

Commerce and Business.—Nos. II and XVI amend the Coffee Market Expansion Act, 1942; the first makes provision for prosecution and punishment of a dealer who sells coffee at a price higher than that fixed by the Central Government, and the second provides for transfer to the General Fund any excess in the Pool Fund after the requirements of sub-section (2) of s. 32 of that Act have been met. The amount so transferred is to be used for promoting agricultural and technological research in the interest of the Coffee Industry in India. Act IV amends the Indian Companies Act, 1913, in order to remove some undesirable features of banking companies, viz.—(*i*) the appointment of managing agents who are remunerated by commission or a share in the profits, on long term contracts; (*ii*) the fixation of the authorized capital at a very high figure as compared with the subscribed and paid-up capital, and (*iii*) the possession of large voting rights by an individual or small group of individuals usually partly paid ordinary or deferred shareholders. The Transfer of Property (Amendment) Act, 1944, brings the law as regards the assignability after loss, and subrogation of marine insurance policies, in line with corresponding provisions in ss. 50, 51 and 59 of the Marine Insurance Act, 1906; Act VII recognizes the international scope of marine insurance contracts by excepting them from the operation of s. 46 of the Insurance Act, 1938, which stipulated that the holder of a policy of insurance issued in respect of business transacted in British India shall have the right notwithstanding anything to the contrary contained in the policy to receive payment, or sue for any relief in respect of it, in British India. Act VII further provided that employees and agents of insurance companies shall not be eligible for appointment as policy holders directors. Act X provides for the creation of a fund for the improvement and development of the cultivation, marketing and utilization of coconuts in India. Act XV in order to meet the emergency created by the war temporarily amends the Indian Patents and Designs Act, 1944, on the lines of s. 2 of the United Kingdom Patents and Designs Act, 1942, with a view to enlarge the right of Government Departments to sell patented articles.

Fiscal.—The Central Excises and Salt Act (I of 1944) is an important measure which consolidates no less than 10 separate excise Acts and five Acts relating to salt. The duties have been maintained at the previous level and the item relating to salt has been so worded as to preserve to the Central Legislature the right which it has so long exercised of voting annually on the rate of duty to be fixed. Formerly the introduction of a new central duty of excise had required the enactment of a self-contained law, but now it may take the simpler form of a clause in the annual Finance Bill.

The principal feature of the Indian Income Tax (Amendment) Act (XI of 1944) is to provide for realization of quarterly advance payments of tax on income which is not liable to deduction of tax at source under s. 18 of the Indian Income-Tax Act, 1932. The income mainly affected is income from property and from business, profession or vocation; the provisions do not apply to incomes of six thousand rupees or less. The scheme is based on an option given to the assessee to pay tax either on his last assessed income or on his own estimate. Simple interest at two per cent. per annum is to be paid by Government on these advance payments, and the assessee is liable to pay penal interest at six per cent. on the amount by which the payments made on the basis of his own estimate fall short of 80 per cent. of the tax determined on regular assessment. Penal interest is not, however, to be levied if the assessee chooses to pay on the basis of his last assessed income. The other provisions of the Act correct certain defects in the principal Act or give relief to the tax-payer. Payments to employees from unrecognized Provident Funds on termination of the employment were subject to tax, but to evade liability payments were sometimes made before the termination of the employment. It has now been provided that tax will be payable on payments made from these funds at or in connection with the termination of the employment, whether or not the employment is then terminated or to be terminated. Another section of the Act, following the United

Kingdom law, puts a stop to a tax evasion device which generally takes the form of a one-year policy. While profits which accrued and arose in Indian States were exempt, corresponding losses could be set off against British Indian income or carried forward under s. 24. It is now provided that such losses can only be set off or carried forward against the corresponding exempt profits. It is also provided that super tax shall be payable on income-tax-free securities issued by the Central Government. A change in favour of the tax-payer is an increase in the amounts allowable to Life Insurance Companies for management expenses.

The remaining fiscal Act is XIII of 1944 which continues the protective duties on sugar, paper, cotton and silk manufactures, iron and steel manufactures and certain other commodities. These duties, which were due to expire on March 31, 1944, have been continued for a further period of two years.

Industry and Labour.—The Coal Mining Safety (Stowing) Amendment Act, III, confers power on the Coal Mining Stowing Board to execute in emergent cases protective measures under its own supervision, and to defray the cost from the Coal Mining Stowing Fund. The notable change effected by the Factories (Amendment) Act, XIV of 1944, is to require all factories, and not merely those where workers come in contact with injurious or obnoxious substances, to provide washing facilities for their workers.

Local and Personal.—The Delhi Joint Water and Sewage Board Act, XVII of 1944, enables the Board with the sanction of the Central Government to supply water in bulk for consumption in an area outside the constituent bodies of the Board.

Miscellaneous.—The Indian Aircraft Act, 1934, contained no specific provision for control and regulation of the development of air transport. There is, however, great scope in India for its development, and comprehensive plans for the establishment in the post-war period of air transport services are being prepared for consideration by Government. In order to guide this anticipated development on rational lines Government has by an amending Act (V of 1944) been given the power to license air transport services through the medium of an Air Transport Licensing Board, and to prohibit the operation of such services without a licence. The powers of regulation are taken by rule, following the course adopted in the United Kingdom where the necessary powers are taken by Order in Council under s. 5 of the Air Navigation Act, 1936. The Cantonments (Amendment) Act, VIII of 1944, besides some minor changes, provides that officers of the Provincial Government (and not only the President of the Cantonment Board who is *ex-officio* the officer commanding the station) may be appointed as the final authority for deciding election petitions. Government will therefore be able to appoint judicial officers to decide these petitions.

Act IX of 1944 amends the Indian Merchant Shipping Act, 1923, to provide for an increase in the compensatory allowance payable by shipping companies to cabin class pilgrims holding return tickets who are detained at Jeddah for a longer period than twenty-five days on account of the inability of the shipping company to provide the return passage to India.

The Public Debt (Central Government) Act (XVIII of 1944) consolidates and amends the law relating to Government securities issued by the Central Government and to the management of its public debt by the Reserve Bank of India. The previous law failed to provide for the summary provisional settlement of disputes regarding Government loans held otherwise than as promissory notes, and the procedure which was prescribed for disputes regarding promissory notes was defective. The present Act empowers the Reserve Bank to adjudicate summarily disputes as to the title to a security, with a necessary safeguard by way of a guarantee of indemnity to ensure that the interests of the party who may ultimately succeed in establishing in a court of law his right to hold the security are not prejudiced.

2. MADRAS

[*Contributed by* M. RAMACHANDRA RAO, ESQ.]

Commercial Crops.—Act VII provides for the postponement of elections to market committees for the period of the war in view of the labour and expenditure involved in the preparation of electoral rolls and holding of elections and also the acute shortage of paper.

Estates Land.—Act I provides for the temporary assignment, subject to certain conditions, of ryoti land situated in an estate and not already in the possession of a ryot or tenant, for periods ranging from three to five years for the purpose of raising food crops during the present emergency.

Legal Practitioners.—Act XIV provides for the constitution, where necessary, of a committee of legal practitioners for a taluk at any place other than the taluk headquarters or for two or more taluks, as it was found impracticable to constitute a committee at the headquarters of taluks in certain districts owing to the insufficient number of legal practitioners residing in such headquarters.

Local Government.—Act II provides for the removal of difficulties experienced in the administration of district municipalities and local boards in cases where the Chairman or Vice-Chairman, or the President or Vice-President, is not likely to exercise or discharge some or all of his powers and duties. In such cases the Act provides that the Collector of the district shall have power to appoint a member of the municipal council or local board, as the case may be, to exercise and discharge all the powers and duties of the office-holder concerned for a specified period.

Act III amends s. 82 (2) of the Madras District Municipalities Act, 1920, with retrospective effect from the date of commencement of the Madras District Municipalities (Amendment) Act, 1930, so as to make it clear that the deduction of 10 per cent. made from the gross annual rent of lands and buildings, when assessing them to property tax, should be allowed only in respect of the building and not in respect of the site on which it stands or of adjacent lands occupied as an appurtenance thereto. A similar amendment is also made in s. 100 (2) of the Madras City Municipal Act, 1919, with retrospective effect from the date of commencement of the Madras City Municipal (Amendment) Act, 1936, as the language of the relevant portion of that section is identical with that of s. 82 (2) of the District Municipalities Act.

Act VI amends s. 80 (1) of the Madras Local Boards Act, 1920, to empower District Collectors to require landholders and sub-landholders in proprietary estates to furnish lists of the lands held by them in the fasli years 1350, 1351 and 1352 for the purpose of fixing the rent value of such lands for the triennium comprising the fasli years 1353, 1354 and 1355.

Act VIII enables the Government to direct such of the municipal councils as are levying the property tax at comparatively low rates to raise the tax to a reasonable level.

Act XVIII amends the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, so as to minimize notifications in the district *Gazette,* in view of the acute shortage of paper. It dispenses with notification in the district *Gazette* in certain cases and empowers the Government to direct that certain notifications under the Acts, instead of being published in the district *Gazette,* may be published in such other manner as may be specified by the Government.

Act XIX amends the Madras District Municipalities Act, 1920, to provide that the governing body of a college, maintained by a municipal council and affiliated to a University, shall exercise in respect of the teaching staff and establishment of the college, the powers of appointment, control and punishment.

Public Health.—Act IV makes separate provision in the Madras Public Health Act, 1939, for the treatment and control of leprosy, where the disease has reached the stage when the bacilli can be demonstrated by recognized standard methods of examination. Local authorities are required to make arrangements for the free diagnosis and treatment of leprosy and for the prevention of infection. Persons suffering from leprosy are prohibited from accepting employment in occupations which involve deleterious contact with persons who are not suffering from the disease. The Government have been given power to declare any area as a "Special Area" for leprosy, and notify any area as a "Segregation Area."

Regulation of Sale of Cloth.—Act IX repeals the Madras Regulation of the Sale of Cloth Act, 1937, with effect from April 1, 1944, as the labour involved in the administration of the Act was out of all proportion to the revenue derived from the licensing fees levied under it.

Religious Endowments.—Act V amends the Madras Hindu Religious Endowments Act, 1926, to provide for (*i*) the abolition of Temple Committees, (*ii*) the appointment of Assistant Commissioners to discharge certain duties previously performed by Temple Committees, (*iii*) the raising of the contribution payable by all institutions to a maximum of three per cent. of their annual income, and (*iv*) the grant of certain additional powers to the President of the Board to improve its working.

Taxation.—Act X amends the Madras General Sales Tax Act, 1939, with effect from April 1, 1944, firstly, to provide that dealers whose annual turnovers are between Rs. 10,000 and Rs. 15,000 should pay at the rate of Rs. 8 per month and those with turnovers between Rs. 15,000 and Rs. 20,000 at the rate of Rs. 12 per month and, secondly, to withdraw the exemption of sales of bullion and specie from the tax.

Act XII repeals the Madras Tobacco (Taxation of Sales and Licensing) Act, 1939, and excludes all forms of tobacco from the provisions of the Madras General Sales Tax Act, 1939, as the Government of India, who have been levying the excise duty on tobacco with effect from April 1, 1943, have agreed to compensate the Provincial Government for the loss of revenue from this source.

Tuberculosis Sanatorium.—Act XVII provides for the control of building operations in the vicinity of the Tuberculosis Sanatorium at Perundurai and for the exclusion, modification or restriction of enactments relating to public health from or in the neighbourhood of the Sanatorium.

Universities.—Act XI amends s. 15, Class III, c. 4 of the Andhra University Act, 1925, to enable the headmasters of recognized secondary schools in areas which originally formed part of the Ganjam district, but were transferred to the Vizagapatam district consequent on the formation of the Orissa Province, to take part in the election of two members to the Senate of the University.

Act XV amends the Andhra University Act, 1925, to give effect to the recommendation of the Senate that the Maharaja of Jeypore should have the right to nominate two members to the Senate, that the Chancellor should nominate two members to the Syndicate on the recommendation of the Maharaja and that one of the latter should also be nominated to the Finance Committee.

Act XVI amends the Andhra University Act, 1925, so as to enable the Academic Council to co-opt members from the staff of University Colleges.

3. BOMBAY

[*Contributed by* P. N. Moos, Esq.]

Between April 1, 1944, and March 31, 1945, the following Acts were made by the Governor of Bombay in exercise of the powers of the Bombay Legislature assumed by him under the Proclamation dated November 4, 1939, issued under s. 93 of the Government of India Act, 1935, and having received the assent of the

Governor or the Governor-General as the case required, became law. The main purposes of each of the Acts are briefly stated below:—

Labour.—Act VI, the Bombay Non-Urban Labour, Housing, Sanitation and Provision Shops Act, 1944, provides for the opening of provision shops for and regulating the housing and sanitary conditions of non-agricultural labour in certain areas outside municipal and cantonment limits in the Province of Bombay.

Housing.—Act VII, the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, provides for regulating the supply of accommodation, whether residential or non-residential, furnished or unfurnished and with or without board, in certain areas in the Province of Bombay. Penalties are imposed in Act XV.

Food Supply.—Act VIII, the Bombay Growth of Foodcrops Act, 1944, provides for regulating the cultivation of crops with a view to growing more foodcrops in the Province of Bombay. That Act was amended by Act XVI especially in reference to the adjustment of rents.

Irrigation.—Act XII, the Bombay Irrigation Crop Regulation Act, 1944, provides for the maximum cultivation of, and the maximum use of water in, lands under command of irrigation works in the Province of Bombay and for increased cultivation of food crops in such lands.

Bombay.—Act XIII, the City of Bombay Municipal (Post-War Reconstruction Fund) Act, 1944, provides for the creation of a special post-war reconstruction fund and confers upon the Corporation the power to apply its ordinary revenue for the purpose of creating such special fund, which is intended to be used for expenditure at some indefinite future time, dependent upon the duration of hostilities.

Rent Restriction.—Act XIV penalizes any landlord who receives directly or through an agent any fine, premium or other like sum in addition to rent in contravention of sub-section (1) of s. 10 of the Bombay Rent Restriction Act, 1939.

Act XV, an Act to amend the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944. This Act provides for penalties for breach of certain provisions of the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944.

Indemnity.—Act XVII, the Ahmedabad Municipal Officers' Acts Validating Act, 1944, validates past acts of the Chief Officer of the Ahmedabad Municipality and his delegates and indemnifies and discharges them from liability in respect of their acts during the period of supersession of the said municipality from August 22, 1942, to March 31, 1944.

Building.—Act XVIII, the City of Bombay (Building Works Restriction) Act, 1944, restricts the construction, alteration or repair of any building in the area in the Bombay City which was devastated by the fires resulting from the explosions that occurred on April 14, 1944.

Elections.—Act XX, an Act to amend the Bombay Municipal Boroughs Act, 1925. S. 11(2)(a)(ii) of the Bombay Municipal Boroughs Act, 1925, provides for the elimination of names of persons from the list of voters who have not paid the arrears of taxes for three months before the last date for receipt of applications for enrolment in the list of voters under preparation or revision. In virtue of the provisions of s. 11(1) of the said Act a municipality is bound to enter the name of every taxpayer including that of a defaulting one if his name is entered in the current electoral roll or part thereof, prepared for the municipal borough which constitutes or forms part of a territorial constituency of the Bombay Legislative Assembly. This provision nullifies the effect of s. 11(2)(a)(ii) of the said Act. In order to remove this anomaly this Act was enacted to provide that persons whose names have been entered in the municipal electoral roll as aforesaid will be qualified to vote at a municipal election in such municipal borough only if they have paid all arrears of the municipal taxes within three months next preceding the last day for receipt of applications for enrolment in the list of voters under preparation or revision.

4. BENGAL

[*Contributed by* SIR LANCELOT GRAHAM, K.C.S.I., K.C.I.E.]

FROM an undisclosed cause, which may reasonably be conjectured to be enemy action, the number of Acts passed by the Bengal Legislature is not ascertainable from the records of the High Commissioner for India. Acts I and II effect minor amendments of no general interest in the Local Code.

Orphanages.—Act III is " an Act for the better control and supervision of orphanages, widows' homes and marriage bureaux in Bengal." As the Act contains no repealing section it must be inferred that in this field this is a novel piece of legislation. Orphanages and widows' homes established and maintained by the Provincial Government in the Province are exempt from the provisions of the Act. It is enacted that all private institutions of the kind dealt with by the Act shall be opened and conducted only in accordance with the terms of a licence granted under the Act. There is provision for inspection by authorized persons, official and non-official, and licences may be suspended or cancelled. There are also penal provisions.

Income Tax.—Act IV appears from the Bill, papers and also from rules made in December by the Governor in exercise of his rule-making power conferred by s. 57 of the Act to be " an Act to provide for the imposition of a tax on agricultural income derived from land and buildings situated in Bengal." The report of the Select Committee was published in the Calcutta *Gazette* of February 17, 1944, but neither the text of the Act as passed, nor the *Gazettes*, nor yet the Proceedings of the Legislature relating to it have been received. The Bill as reported by Select Committee has sixty-five clauses and judging from the minutes of dissent appended to the report was highly controversial. From the *Gazette* of December 30, 1944, it appears that the measure required the assent of the Governor-General before it became an Act. A further reference may be made to the contents of the Act in a later number of this *Journal* when the complete papers are received.

Destitute Persons.—In the exercise of his statutory power to make Ordinances in cases of urgency when the Legislature is not in session (*vide* s. 89 of the Government of India Act, 1935) Ordinance II was made by the Governor " to provide for the repatriation and relief of destitute persons." This Ordinance, which was necessitated by the prevalence of famine conditions, re-enacts *verbatim* the provisions of the Governor's Ordinance III of 1943, which was mentioned in the issue of the *Journal* of May, 1945.

5. UNITED PROVINCES

[*Contributed by* SIR LANCELOT GRAHAM, K.C.S.I., K.C.I.E.]

THE Indian National Congress having continued in its policy of non-co-operation throughout the year, the Government of the Province, including the powers of the Legislature, vested by virtue of the provisions of s. 93 of the Government of India Act, 1935, in the Governor. In these circumstances the output of legislation was kept at the lowest possible level, and only six enactments were placed on the Statute Book. The form of the proclamation under s. 93 is itself of sufficient interest to be recorded. It runs as follows: " And whereas by the proclamation dated the 3rd Day of November, 1939, promulgated under s. 93 of the Government of India Act, 1935, the Governor of the United Provinces has assumed to himself all powers vested by or under the aforesaid Act in the Provincial Legislature.'' Of the six Acts made by the Governor five are amendments and call for no comment.

Fire Service.—Act III is "an Act to constitute a Provincial Fire Service in the United Provinces.'' It was stated in the Statement of Objects and Reasons appended to the Draft Bill, as published for general information with an invitation calling for objections and suggestions, that the development of a threat of aerial attack upon the towns of the Province had drawn attention to the inadequacy of the fire-fighting organizations in those towns, not only to meet this wartime threat but also to meet normal peacetime needs. Under the Act the Governor assumes responsibility for the adequacy and efficiency of the fire-fighting organizations in the towns of Agra, Allahabad, Benares, Cawnpore and Lucknow, and also of any other town to which the Act may later be applied. S. 16 imposes a special liability on "any persons whose property catches fire on account of any act of his own or of his agent done deliberately or negligently.'' He is declared liable to pay compensation to any other person suffering damage to his property as the result of action taken by the Fire Service to deal with the fire. Liability and the extent of damage are to be settled summarily by the District Magistrate, and his order has the force of a decree of a civil court, though it can be challenged by a regular suit filed within six months of the date of the magistrate's order.

6. PUNJAB

[*Contributed by* SIR LANCELOT GRAHAM, K.C.S.I., K.C.I.E.]

PROVINCIAL self-government in accordance with the provisions of the Government of India Act, 1935, functioned normally throughout the year, but the output of legislation was unusually small. Only five enactments, all of them effecting amendments in the Punjab Code, were passed, and of these only one is of sufficient interest to require notice.

Floods.—Act IV amends the Punjab Land Preservation (Chos) Act, 1900, which was "an Act to provide for the better preservation and protection of certain portions of the territories of the Punjab situate within or adjacent to the Siwalik mountain range, or affected or liable to be affected by the deboisement of forests within that range, or by the action of streams or torrents, such as are commonly called *Chos,* flowing through or from it.'' The amending Act of 1944 inserts a new section which empowers the Provincial Government to give directions to the owner or occupier of land to take action for the carrying out of the purposes of the Act, and such action may include the levelling, terracing, drainage and embanking of fields; the construction of earth-works in fields and ravines; the provision of drains for storm-water; the protection of land against the action of wind or water; the training of streams and any other measures required in the opinion of Government for carrying out the purposes of the Act. A further section provides for the determination by the Revenue Authority whether the work shall be carried out by the owner or by the occupier. Lastly it is provided that in the event of default the work may be carried out by Government at the expense of the person originally ordered to do it.

7. BIHAR

[*Contributed by* N. G. RAY, ESQ., M.A., B.L., *Secretary to Government.*]

FIFTEEN Acts were enacted during the year 1944. These Acts were enacted by His Excellency the Governor of Bihar by virtue of the legislative powers assumed to himself by the Proclamation, dated November 3, 1939, issued by him under s. 93 of the Government of India Act, 1935.

Local Self-Government.—Act No. 1 empowers the Provincial Government to postpone for the duration of the war and for a period of six months thereafter all general elections to district and local boards by extending from time to time the term of office of members of those bodies.

Act No. 12 seeks to exclude the application of local laws relating to local self-government and the jurisdiction of local authorities from cantonments, as such provision in that behalf as may be necessary is now to be made by the Central Government under s. 3(4) of the Cantonments Act, 1924.

Tenancy.—Act No. 2 enables officers other than Collectors of districts to be empowered to dispose of appeals in rent commutation cases under s. 40(6) of the Bihar Tenancy Act, 1885.

Acts Nos. 13 and 14 seek, with a view to promote the Grow More Food Campaign, to encourage landlords in Bihar and Chota Nagpur respectively to settle on temporary emergency war time leases as much of surplus lands as possible by providing that occupancy and non-occupancy rights shall not accrue therein.

Jharia Water Supply.—Act No. 3 repeals with retrospective effect s. 55A of the Jharia Water-Supply Act, 1914, which experience has shown to be unnecessary and a source of uncertainty. The object of Act No. 5 is to enable the Jharia Water Board to invest its surplus funds in Government securities or in other securities approved by the Provincial Government.

Agricultural Income-Tax.—Act No. 4 amends the Agricultural Income-Tax Act, 1938, by removing the exemption granted to certain agriculturists possessing less than 200 acres of land and by raising the mutiple of the rent or cess valuation on the basis of which the assessee may have his income calculated.

Sales Tax.—Act No. 6 seeks to levy a tax on the retail sale of goods on the lines of a similar Act in Bengal.

Municipalities.—Act No. 7 empowers municipalities to impose a tax on cycles.

Act No. 15 raises the maximum limit of the tax on holdings from 7½ per cent. to 12½ per cent. of the annual value.

Roads and Hospitals.—Act No. 8 empowers Government to take over and provincialize selected roads and hospitals now vested in local authorities for the efficient maintenance of communications and for the provision of adequate medical facilities to the people of the Province.

University.—Act No. 9 makes amendments in the Patna University Act, 1917, mainly in regard to the reconstitution of the Senate and Syndicate rendered necessary by the creation of a separate University for Orissa which was formerly within the jurisdiction of the Patna University.

Co-operative Societies.—Act No. 10 introduces a scheme extending the activities of the Bihar Provincial Co-operative Bank on the lines adopted by the Credit Agricole d'Egypte under which advances of improved seeds, manures and implements, and advances against the pledge of produce, will be made available to cultivators on a large scale.

Cess.—The object of Act No. 11 is to increase the existing rate of cess on the annual value of land so as to provide additional funds required by District Boards.

Two Regulations were made by the Governor under s. 92(2) of the Government of India Act, 1935, during the period under review.

Regulation No. 1 allows the lease of *raiyati* land in the Santal Parganas for the purpose of the establishment or continuance of an excise shop.

Regulation No. 2 applies the Indian Navy (Discipline) Act, 1934, to the Santal Parganas.

8. THE CENTRAL PROVINCES AND BERAR

[*Contributed by* SIR LANCELOT GRAHAM, K.C.S.I., K.C.I.E.]

THROUGHOUT the year the Provincial Legislature remained in abeyance as the result of the policy of non-co-operation enforced by the Indian National Congress. All powers vested in the Provincial Legislature were assumed to himself by the Governor under the proclamation issued by him under s. 93 of the Government of India Act, 1935. In the exercise of those powers the Governor placed six Acts on the Statute Book. Of these as many as five effected amendments in the existing Provincial Code, and do not require to be noticed.

Eye Operations.—Act II is "an Act to prevent *couching* by unqualified persons." The Statement published in the Act is of such vital interest as to merit reproduction *verbatim*. It runs as follows: "Couching of cataract involves great danger to the sight of those who are induced to submit to the operation, and irreparable damage to the eye follows in the large majority of cases after such an operation. People are the more ready to undergo the operation because couching appears to effect a miraculous cure, inasmuch as immediately after the operation the vision of the blind is restored suddenly, and the sufferer has not to be in bed with his eyes bandaged, as is the case of a patient whose cataract has been removed by the recognized surgical operation. The news of the apparent success of a couching operation spreads from village to village, and induces many others to submit themselves to a similar operation. Soon afterwards, however, in almost every case, after a period ranging from a few days to a few months, the eye begins to lose its vision owing to slow inflammation set up inside the eyeball, and in course of time the eye becomes completely blind beyond the reach of any treatment. By this time, of course, the operator has moved on to other villages to pursue the dangerous practice elsewhere. The dangers of couching are recognized on all hands, but the present law provides no penalty for those who perform it. The Act is designed to supply the deficiency and to protect the public by prohibiting resort to couching of cataract except by qualified practitioners."

9. ASSAM

[*Contributed by* SIR LANCELOT GRAHAM, K.C.S.I., K.C.I.E.]

1943

IN this year fourteen Acts were passed by the Assam Legislature. Of these ten effected amendments in the Assam Code.

Forests.—Act II makes an interesting amendment in the Forest Law of the Province contained in Regulation VII of 1891. In s. 63 of that Regulation it is provided that "in any proceedings taken under the regulation, if the question arises as to whether any forest produce is the property of Government, such produce shall be presumed to be the property of Government until the contrary is proved." The amendment extinguishes the presumption and places the burden of proving ownership on the prosecution.

Landlord and Tenant.—Act IV amends the Goalpara Tenancy Act, 1929, which is "an Act to amend and consolidate certain enactments relating to the law of Landlord and Tenant in the District of Goalpara." The lands affected are described as "the permanently-settled estates of Goalpara" and the permanent settlement dealt with in the Act is "the permanent settlement in Bengal and of Assam made in or about 1793." S. 3 effects important alterations in s. 20 of the original Act, and removes certain statutory restrictions on the transfer of occupancy rights. S. 7 liberalizes the provisions of s. 25 of the original Act which restrict the creation of mortgages of lands held by an occupancy tenant. The remaining provisions are directed towards improving the conditions of both tenants and under-tenants.

Act V effects similar amendments in the Sylhet Tenancy Act, 1936, which is "an Act to consolidate and amend certain enactments relating to the laws of landlord and tenant now in force in the District of Sylhet."

Moneylenders.—Act VI effects drastic alterations in favour of debtors in the Assam Money-lenders Act, 1939, which is "an Act to make better provision for the control of money lending."

Agricultural Relief.—Act XIV amends the Assam Debt Conciliation Act, 1936, which is "an Act to relieve agriculturists from indebtedness by amicable settlement between them and their creditors." S. 2 by extending the definitions of "creditor" and "debtor" in the original Act so as to include "the heir, executor, administrator, and assignee" of either operates to prevent the debtor from losing the advantages conferred by the Act by a change in the person of the creditor and also to extend the benefit originally attaching only to the debtor.

Income Tax.—Act VII fixes the rates at which agricultural income shall be taxed for the year beginning April 1, 1943, under the Assam Agricultural Income Tax Act, 1939. Provision to this effect is required to be made annually by s. 3 of the substantive Act.

1944

In this year it appears that seven Acts were passed by the Assam Legislature, but the record is apparently incomplete and additions may require to be made in the next number of the *Journal.*

Maternity Benefits.—Act I breaks new ground for the Province which recruits labour for the plantations from outside the Province. It is "an Act to regulate and provide for maternity benefits for women workers in factories and plantations and other establishments notified by the Government." Women who persist in working during a period in which they are qualified to receive benefits are punishable with a fine under s. 4.

Registration of Nurses.—Act II is "an Act to provide for registration and better training of nurses, midwives and health-visitors." It sets up a Council with legal personality to carry out the provisions of the Act, which include maintenance of a register of persons possessing the prescribed qualifications and the recognition of Training Institutions. After a period of seven years only persons on the register may be employed in hospitals and similar institutions.

Public Entertainment.—Act V effects amendments in the Assam Municipal Act, 1923, in respect of the control by licence of certain places of public entertainment.

Agricultural Loans.—Act VII is "an Act to gather information about and settle claims in respect of advances to cultivators on crops." The advances are those which are made in the ordinary course of business for financing cultivation. The measure is a war-measure arising out of the necessity of the Government interfering with the ordinary course of business and becoming a buyer on a large scale.

10. THE NORTH-WEST FRONTIER PROVINCE

Two Acts making small amendments in existing legislature were passed.

11. ORISSA

[*Contributed by* Sir Lancelot Graham, K.C.S.I., K.C.I.E.]

1943

During the year 1943 thirteen Acts were passed in the Orissa Legislature. Of these ten effected minor amendments in the Provincial Statute Book. The three remaining Acts require some notice.

Stamp Duty.—Act VI is " an Act to unify the rates of Stamp Duty chargeable in Orissa." In 1941, during the period of the suspension of the regular constitution in Orissa, an Act having this purpose was made by the Governor in exercise of the legislative powers assumed to himself by proclamation under s. 93 of the Government of India Act, 1935. A law so made having a life of only two years required to be re-enacted. Its purpose is to unify the rates of stamp duty chargeable in Orissa, the need arising from the fact that by origin the separate Province of Orissa was a composite province, the greater part being detached from the Province of Bihar and Orissa and the rest being detached from the Presidency of Madras.

Weights and Measures.—Act VIII is " an Act to fix a scale of standard measures with reference to the standard weights for the Province of Orissa." Like Act VI this Act had its origin in the situation arising from the composite nature of the Province of Orissa. This appears from the Schedule of Repeals. The provisions of the Act are much the same as those of similar measures elsewhere in British India. The Commencement and Extent Clause, which runs as follows: " Part II of this Act shall come into force throughout the whole or any part of the Province of Orissa on such date or dates as the Provincial Government may, by notification appoint," tells a plain tale.

Utkal University.—Act XIII is an Act to establish and incorporate a University in Orissa. It sets up a body corporate by the name of the Utkal University. The University is to be both a teaching and an examining body, and among its statutory purposes are those of " admitting education institutions to its privileges, of inspecting the colleges and supervising all matters of education and discipline therein, of controlling the residence and discipline of the students of the University and of promoting their physical, mental and moral welfare." Truly a University in its declared purposes ! It is provided with the customary office-bearers and machinery. In effect, behind this impressive façade all that is happening is that colleges already functioning in Orissa are transferred from their affiliation either to the Patna or to the Andhra University, and are now affiliated to the new Utkal University, the measure being deemed to be required to support the dignity of the new Province. If space permitted, a dissenting minute recorded at the Select Committee stage would be reproduced in full. The following must suffice: " The product of the modern Universities hates labour and is ashamed to toil with its hand. Hence the University man may justly be said to be a man having a plethoric brain and emaciated limbs "

1944

During the year 1944 twelve Acts were passed by the Orissa Legislature. Eleven of these were petty amending Acts, the largest of them being an Act to amend the Utkal University Act, 1943.

Utkal University.—Act II would perhaps be better described as an Act to repair some of the more obvious omissions in the original Act, for it is provided by s. 10 that " the said Act shall be read and construed as if the amendments hereby enacted had formed part of it on and from the date of its commencement."

Constitution.—Act XII has a constitutional and an historical interest. At the suspension of the provincial constitution under s. 93 of the Government of India Act, 1935, the Orissa Legislative Assembly ceased to function but did not cease to exist, and the statutes providing for the salaries of the Speaker, the Deputy Speaker and the Members continued to be in operation. To prevent the waste of public moneys in payment of salaries to persons who were not able to perform the duties of the posts occupied by them, the Governor as the legislative authority for the Province during the period of suspension repealed " temporarily," that is to say for the period of suspension, the laws providing these salaries.

12. SIND

[*Contributed by* SIR LANCELOT GRAHAM, K.C.S.I., K.C.I.E.]

1943

DURING the year 1943 eight Acts were passed in the Sind Legislature. As many as seven of these merely effected minor amendments in the Provincial Statute Book and call for no detailed description.

Water Storage.—An Act of some interest is Act IV which is "an Act to provide for the carrying out of the Haleji Water Storage Scheme for supply of a permanent source of water to supplement the existing supply of water by the Municipal Corporation of the City of Karachi and for that purpose to constitute a Joint Water-Board to undertake the execution of the scheme." This is the kind of legislation which in the British Parliament would probably be taken under the Private Bill procedure; but there is no corresponding procedure in the legislatures of British India, and the procedure for such Bills is the same as that for any Government measure. The Act sets up a Body Corporate with the Chief Engineer to Government as *ex-officio* Chairman. The function allotted to the Board is to execute the scheme already prepared by Government and set out in a schedule to the Act. There is no provision in the Act for providing finance, but from the third recital in the preamble it appears that the Provincial Government, the Central Government and the Karachi Corporation had previously consented to bear the cost of the scheme jointly "in the proportions and subject to the conditions mutually agreed on." On conclusion of the undertaking it is to vest in the Karachi Corporation, which also assumes responsibility for the undischarged civil obligations of the Body Corporate set up by the Act. This Body on completion of the undertaking is to be dissolved by notification of the Provincial Government.

1944

DURING the year 1944 fifteen Acts were passed in the Sind Legislature. As many as eleven of these effected minor amendments in the Provincial Statute Book and call for no detailed description.

Registration of Doctors.—Act VI is "an Act to provide for the registration of medical practitioners." It repeals *in toto* the Bombay Medical Act, 1920, to the extent of its application to Sind and provides for setting up the Sind Medical Council and furnishing it with powers of the same nature and extent as those of the Bombay Medical Council.

Town Planning.—Act XII makes a number of amendments in the Bombay Town Planning Act, 1915, in its application to Sind.

Marriages.—Act XIII amends the Sind Deti Leti Act, 1939, an enactment aimed at reducing the expenses of marriages of Hindus, and of Sikhs domiciled in Sind. It is plain that the original legislation was faulty, but it is doubtful whether the patching effected by the amendments will produce the desired result. The custom which it is sought to control is not inherently vicious and legislation in such cases invites defiance even by law-abiding sections of the population.

Training of Doctors.—Act XV is "an Act to provide for the better training of medical practitioners following the rules of oriental systems of medicine and also for their registration." It reproduces the main provisions of the Sind Medical Act of the same year, and also provides for the recognition of institutions in Sind which impart training in the Indian systems of medicine. It remains to be seen whether the indigenous systems are capable of submitting to and profiting by the discipline imposed in the Act.

13. COORG

[*Contributed by* DIWAN BAHADUR K. CHENGAPPA, *Chief Commissioner of Coorg.*]

No Acts were passed by the Coorg Legislative Council during the year 1944.

VIII. EASTERN COLONIES

1. CEYLON

[It is hoped to publish the review in the next issue.]

2. ADEN

TWENTY-FOUR Ordinances received the royal assent in 1944 and consist generally of minor amendments.

Income Tax.—An addition to the Income Tax Ordinance, 1937, is made by No. 7 to provide for certain classes of superannuation funds.

Excess Profits.—By No. 8 amending the Excess Profits Tax Ordinance, 1941, provision is made for the repayment after the war of certain excess profits tax paid in cases falling within double Excess Profits Tax relief arrangements made with the Government of the United Kingdom.

Medical Profession.—By an amendment of the Medical Practitioners Act, 1938, No. 24 establishes a Medical Council with disciplinary powers similar to those of the General Medical Council in England. Authority is given to the Governor to limit the number of persons who may be admitted to the Medical Register.

3. MAURITIUS

[It is hoped to publish the review in the next issue.]

IX. WEST AFRICA.

1. GAMBIA

TWENTY-ONE Ordinances were passed in 1944.

False Publications.—Any person who prints or publishes or causes to be printed or published any statement relating to a matter of public interest or concern which is misleading and calculated or likely to do harm by reason of a mis-statement of a fact or facts, or implying a mis-statement of a fact or facts or the suppression of facts, shall be guilty of an offence against Ordinance No. 4, and on conviction be liable to a fine of fifty pounds.

Newspapers.—In order to provide for the registration of newspapers, No. 5 requires the proprietor, printer and publisher to swear an affidavit before a magistrate giving the name of the newspaper, its office and their own places of residence as well as that of the editor.

Pensions.—No. 6 makes the usual provisions for the establishment of a Provident Fund for certain non-pensionable employees of the Government and of local, municipal and native authorities.

Census.—No. 12 makes provision for taking a census of Bathurst. The particulars required include an entry relating to the education of the persons enumerated.

Courts.—The Provincial Courts Ordinance, 1935, is repealed by No. 13 which now contains the law relating to the High Court and the Subordinate Protectorate Courts.

Boy Scouts and Girl Guides.—The object of No. 17 is to protect the interests and activities of the Boy Scouts Association and Girl Guides Association in the Colony.

Diseases of Animals.—The Prevention of Diseases of Animals Ordinance, 1909, is repealed by No. 20, which now contains the law covering the steps to be taken for checking disease, the powers of the officers concerned and the compensation to be given for the slaughter of the animals.

Labour.—Labour Ordinance, 1933, is repealed by No. 21 which consolidates and amends the law relating to the employment of persons in certain industries. It regulates the employment of women and children; it establishes a Labour Advisory Board, authorizes the appointment of a Labour Officer, regulates the payment of a minimum wage and provides for arbitration in trade disputes.

2. GOLD COAST

[*Contributed by* RAYMOND BROWN, ESQ.]

DURING the year 1944 twenty-nine Ordinances were passed, of which fifteen were amending Ordinances. The following Ordinances may be briefly described:—

Advertisements.—The Undesirable Advertisements Ordinance, 1944 (No. 15), prohibits unpleasant advertisements.

Undesirable Immigrants.—The Deportation (British Subjects) Ordinance, 1944 (No. 17), is a temporary measure designed to remove persons (other than natives of the Gold Coast) under detention for security reasons to a country enjoying a more healthy climate than that of the Gold Coast.

Native Government.—The Native Authority (Colony) Ordinance, 1944 (No. 21), secures for the Native Authorities their due place in the administration of the Gold Coast Colony.

Courts.—The Native Courts (Colony) Ordinance, 1944 (No. 22 of 1944), which was enacted as a result of a Commission appointed to enquire into the working of Native Courts in the Gold Coast Colony, makes better provision for the administration of justice by such Courts.

The Courts (Amendment) Ordinance, 1944 (No. 23), establishes the Land Division of the Supreme Court and Juvenile Courts.

Probation of Offenders.—The Probation of Offenders Ordinance, 1944 (No. 24), provides for the probation of offenders.

During 1944 use was made in matters of an urgent but temporary nature of the power of legislation conferred upon the Governor by the extension to the Gold Coast of the United Kingdom Emergency Powers (Defence) Acts, 1939 and 1940, but with the gradual change in the war situation such use was less than in previous war years.

3. NIGERIA

[It is hoped to publish the review in the next issue.]

4. SIERRA LEONE

1943

SIXTEEN Ordinances were passed in 1943.

Income Tax.—No. 1 is a comprehensive ordinance imposing Income Tax in the Colony and establishing the machinery for its collection.

Pensions.—No. 2 provides for the payment of pensions, gratuities and other allowances in respect of the death or disablement of members of His Majesty's Forces or of Services auxiliary thereto or of services engaged in civil defence or of a class or category of persons engaged in war work.

Harbour Dues.—The Light and Harbour Dues Ordinance, 1934, is repealed by No. 8, which now provides for the levying of harbour dues in respect of animals and goods in ships entering and leaving Freetown Harbour and relative matters.

Ports and Inland Waters.—The Ports and Inland Waters Ordinance, 1930, is repealed by No. 9, which now makes provision for their regulation and control, including the levying of dues and other matters connected with navigation.

Criminal Appeal.—By amending the Protectorate Courts Jurisdiction Ordinance, 1932, No. 16 gives the Attorney General and any other person if aggrieved by a decision of the Appeal Court in a criminal appeal the right to appeal to the West African Court of Appeal on a matter of law (not including severity of sentence), but not on a matter of fact.

1944

TWENTY-ONE Ordinances were passed in 1944.

Trade Unions.—The Trade Unions Ordinance, 1939, is amended by No. 8 especially so as to provide against the use of misleading names, and prohibits the words Imperial, Empire, British, National Government, Chamber of Commerce, Building Society, Co-operative, or any words which suggest connection with any society incorporated by Royal Charter. No. 18 amends it by adding a proviso giving a description to the Governor.

Minerals.—Confirmation of a supplementary agreement made between the Crown Agents for the Colonies and the Sierra Leone Development Co. relating to the running of the iron ore deposits and other minerals in the Tonkotite area is contained in No. 9 to be read with No. 7 of 1937 confirming the original agreement.

Teachers' Pensions.—No. 12 provides for the establishment of a superannuation fund for the benefit of certain classes of teachers as designated by the Director of Education.

Aerial Navigation.—No. 20 enables clearance rights to be acquired and enforced over land and property in the vicinity of defence lands and airfields in order to ensure the efficient defence of Sierra Leone and the safety of aircraft in flight.

Diseases of Animals.—The Animals Diseases' Ordinance, 1924, is repealed by No. 12, which now contains the law dealing with the checking of disease and the powers of the officers under the Director of Veterinary Services.

X. EAST AFRICA

1. KENYA

[*Contributed by* HON. T. A. BROWN, *Solicitor General.*]

OF the twenty-five Ordinances enacted during the year 1944, the following may be of general interest:—

Companies.—Under s. 333 of the Companies Ordinance, 1933, no company, association or partnership consisting of more than 20 persons may be formed for the purpose of carrying on business for gain unless it is registered as a company under that Ordinance or is formed in pursuance of some Act of Parliament or of letters patent. No. 1 amending the Ordinance excludes from the requirements of the section any association or society formed in pursuance of any other Ordinance in force in the Colony.

Native Foodstuffs.—No. 3 replaces the existing law relating to Native foodstuffs. Under the Ordinance repealed it was possible: (*a*) to prohibit absolutely the export of native foodstuffs from any area when such area was threatened with, or was suffering from, a shortage; and (*b*) to prohibit the purchase or barter of such foodstuffs for the purpose of re-sale in, or export from, an area except with the permission of the authorities. But there was no power to regulate the export of such foodstuffs from any area under a permit system. The new measure remedies the omission.

Coffee Industry.—No. 4 enables advances from General Revenue to be made to coffee farmers in order to assist the industry during a difficult period. The advances will be made by the Land and Agricultural Bank of Kenya, as Agents of the Government of Kenya, on the advice of a Board which is to be appointed by the Governor under the provisions of s. 3.

Arms and Ammunition.—The object of No. 8 is to strengthen the control of arms and ammunition in the Northern Frontier District.

Mining.—Under the Mining Ordinance, 1940 (No. 29 of 1940), there was no power to arrest without a warrant a person who was found unlawfully prospecting or mining, and by the time a warrant was obtained the offender had usually disappeared and could not be traced. No. 10 empowers any police officer to arrest without a warrant any person found committing such an offence.

Courts (Emergency Powers).—No. 11, which repeals the Courts (Emergency Powers) Ordinance, 1940, follows the provisions of the English Courts (Emergency Powers) Act, 1943.

Criminal Procedure Code.—In the light of experience it was found that the Criminal Procedure Code (Consolidated Edition) required amendments. No. 12 of 1944: (*a*) gives power to the confirming court to grant bail pending an order in revision, where no order has been made by the convicting court; (*b*) expedites the hearing of cases by enabling a summons to be served by any person whom the court directs; and (*c*) requires any person who finds a dead body under circumstances raising a reasonable suspicion that some other person has committed an offence to inform the nearest district officer or police officer.

Bankruptcy.—In the light of experience it had been found that the principal Ordinance (No. 32 of 1930) contained certain defects which had, in the past, been taken full advantage of by dishonest traders to the detriment of their creditors. No. 14 of 1944 is designed to remedy those defects.

Water.—The objects of No. 16 are—(*a*) to remove any ground for dispute which might arise over the existing definition of " domestic purpose " in s. 7 of the principal Ordinance (No. 35 of 1929); (*b*) to remove the existing requirements that every application for a water right must be referred to the Governor in Council if it is likely to interfere with the essential domestic requirements of riparian land, and to provide that applications for both water rights and sanctions shall only go to the Governor in Council where a minority of three or more members of the Water Board are of the opinion that the water right or sanction should not be granted; and (*c*) to provide for an appeal to the Governor in Council against the refusal by the Water Board to grant a water right or sanction where the matter is of public importance by reason of the number of rights and interests affected.

Expulsion from Proclaimed Areas.—The objects of No. 17—(*a*) to give a person against whom action is taken under s. 5(1) of the principal Ordinance (No. 11 of 1935) the right to be represented by an advocate before the Board which investigated his case; and (*b*) to extend the period during which a person against whom an expulsion order has been made may appeal to the Governor in Council, from seven to thirty days. In the light of experience the period of seven days previously allowed was found to be too short a period and created hardship.

Soldiers (Exemption from Civil Process).—The pay of officers and soldiers of the United Kingdom forces is immune, by virtue of the Army Act, from attachment in satisfaction of civil debts. The object of Ordinance No. 18 is to accord the same immunity to officers and soldiers of the Colonial units set out in the Schedule to the principal Ordinance (No. 28 of 1940).

Detained Persons Removal.—The Governor has powers under Regulation 24 of the Defence Regulations, 1939, to order the detention of any person, whether he be a British subject or the subject of any foreign Power, if in his opinion that person has been engaged in acts prejudicial to defence and security. No. 21 extends the powers of the Governor which are conferred upon him by the Regulations, firstly, to make provision for the removal of detained persons from the Colony to the United Kingdom or to any country or territory to which the

Emergency Powers (Defence) Act, 1939, has been extended; secondly, to make provision for the return of detained persons who have been received in the Colony from a country or territory to which that Act applies, to the country or territory whence they came; and, thirdly, to make provision for the detention and removal of detained persons, who are passing through the Colony in transit, for the purpose of ensuring that they continue on their journey. The provisions of the Ordinance apply to all British subjects, whether born in the Colony or not, and to all foreigners.

Land Control.—The objects of No. 22 are to ensure that the land, to which the provisions of the Ordinance applies, shall be put to the most beneficial use; to empower the Crown to acquire land for settlement purposes; and to prevent speculation in land to the prejudice of post-war settlement.

Crown Lands.—Ordinance No. 23 of 1944 is complementary to Ordinance No. 22. It provides that every transaction relating to land in the Kenya Highlands, which exceeded 20 acres in extent, shall receive the written consent of the Governor. It also remedies a defect in s. 71 of the principal Ordinance (c. 140 of the Revised Edition) by providing that the same provisions shall apply to a transfer of shares in a land-owning company as apply to transfers of land.

2. NYASALAND PROTECTORATE

1943

Ten Ordinances were passed in 1943.

Immovable Property.—No. 2 provides for the restriction of the alienation of immovable property to enemy subjects during the continuance of the war. No. 10 embodied a further development by exercising control over speculations in land values and other activities which might prove inimical to the public interest. The procedure to provide the check in both cases is by registration of transactions.

1944

Twenty-seven Ordinances were passed in 1944.

Workmen's Compensation.—By No. 2 provision is made for workmen's compensation to be introduced in the Protectorate and the Ordinance came into operation when the Governor was satisfied that employers could insure against their liabilities at reasonable rates.

Native Labour.—The Employment of Natives Ordinance is repealed by No. 4 which now contains the law relating to contracts of employment, certificates of identity and recruiting of natives. An amending Ordinance, No. 26, makes provision for the suitable transport of natives.

Trade Unions.—The Trade Union Ordinance c. 98 is repealed by No. 5, which now provides for the regulation of Trade Unions and the settlement of trade disputes. Further provision is made in No. 6 by the establishment of an Arbitration Tribunal and a Board of Enquiry in connection with trade disputes. It also has power to inquire into the economic and industrial conditions in the Protectorate.

Rent Restriction.—Provision is made by No. 13 to restrict increases of rent and mortgage interest by the establishment of a Rent Restriction Board with the powers of the High Court in respect to taking evidence, though with a right of appeal to the High Court on points of law. There is no provision for the Chairman or any member of the Board to be a lawyer.

Native Welfare.—A Fund is provided by No. 14 to be devoted to the welfare and social and economic developments of the natives.

Animals.—Provision is made by No. 16 for the protection of animals.

Death Duties.—Remission of Death Duties in the case of persons killed as a result of war activities is authorized by No. 17.

3. SOMALILAND PROTECTORATE

[*Contributed by* MAJOR PATERSON.]

TEN Ordinances were enacted in 1944.

Traders' Licensing.—No. 1 provides for the licensing of traders, for the fees payable by them and for other purposes connected therewith and repeals the Traders' Licences Ordinance (c. 28 of the Revised Edition of Laws).

Subordinate Courts.—No. 4 effects the greatest change in the judicial system of the Protectorate since the re-occupation in 1941. The Akils Court Ordinance, (c. 4 of the Revised Edition of Laws) and the Kadi's Courts Ordinance, 1937, are both repealed. Under this Ordinance a Subordinate Court may only be established by a warrant signed by the Governor setting out its constitution and jurisdiction. This Ordinance follows the model enacted in other African dependencies, notably Uganda and Kenya, and allows much more elasticity, so that courts may vary in accordance with the needs of different times and places.

Forests.—No. 7 provides for the preservation of existing forests and encourages the growth of others by prohibiting the interference with timber and trees in areas declared by the Governor to be "forest areas."

Trade Unions.—No. 8 is based on a model ordinance supplied by the Colonial Office and provides facilities for the establishment and activities of Trade Unions.

His Majesty's Forces.—No. 9, on instructions from the War Office, amends the principal Ordinance (No. 8 of 1942) so as to make it retrospective to September 3, 1939, in conformity with similar legislation in other East African territories This enables awards and pensions to be given to some ex-soldiers who would otherwise have been debarred from receiving these by reason of the limitation of date.

4. TANGANYIKA TERRITORY

[*Contributed by* H. H. KINGSLEY, ESQ., *Crown Counsel.*]

DURING the year 1944 twenty-nine Ordinances were enacted and of these no fewer than fourteen were of an amending nature. The following are the more important of the enactments made during the year:—

Customs Preventive Force.—No. 5 makes provision for the establishment of a Customs Preventive Force under the control of the Comptroller of Customs, who has power to issue departmental instructions concerning all matters affecting the well-being of the Force. Prior to the enactment of this Ordinance the preventive work of the Customs Department had been carried out by certain employees of the Customs Department aided by a number of police constables specially detailed for customs duty.

Removal of Undesirable Natives.—No. 6 empowers District Commissioners to remove undesirable natives from township and other populated areas to their districts of origin or to some other suitable locality within the Territory. This power was formerly exercised under rule 136 of the Township Rules, but this rule was held by a High Court judgment of 1941 to be *ultra vires* and was thereupon revoked. Certain safeguards are introduced by the Ordinance, including the right of appeal to the Provincial Commissioner and the power of intervention by the Governor.

Assayers.—No. 12 repeals the Assayers Ordinance, 1935 (No. 22 of 1935), and re-enacts it with such modifications as experience has shown to be desirable. Perhaps the main difference between the repealed Ordinance and the new Ordinance is that the latter requires an annual renewal of a licence which was formerly permanent.

Children and Young Persons.—No. 13 has as its object the reduction of the number of cases in which children and young persons under the age of sixteen years are remanded to prison custody. Instead of remanding him to prison as it formerly was forced to do, a juvenile court is now empowered to hand over a child or young person on remand to the care of some fit person or institution willing to receive him.

Prisons.—No. 14 amends the principal Ordinance (No. 24 of 1933) by enlarging firstly the class of persons eligible for extra-mural employment and secondly the category of prisoners eligible for the grant of a licence to be at large in the Territory.

Provident Fund (Local Authorities).—No. 20 has as its purpose the establishment of a provident fund for the benefit of the employees of such Native Authorities, municipalities and other public bodies as may wish to participate in the scheme. There is to be one such fund only, under the control of a Board appointed by the Governor.

Food and Drugs.—No. 24 has as its object the prevention of the adulteration of food and drugs in the interests of public health. Its provisions are based on those contained in the most recent enactment on the subject in England, the Food and Drugs Act of 1938.

Co-operative Societies.—No. 26 amends the principal Ordinance (No. 7 of 1932), and is designed to encourage and stimulate the co-operative movement by increasing the supervisory powers of the registrar and by making other provisions of a practical nature which it is hoped will improve the machinery of management of co-operative societies.

5. UGANDA PROTECTORATE

6. ZANZIBAR

[It is hoped to publish the reviews in the next issue.]

7. ANGLO-EGYPTIAN SUDAN

[*Contributed by* C. C. G. CUMINGS, ESQ., *Advocate General.*]

1940–1945

IT is regretted that, owing to our preoccupation with less congenial affairs, no review of legislation in the Sudan has been contributed to this *Journal* since the war. The great bulk of Sudan Legislation has been Emergency Legislation made under the Defence of the Sudan Ordinance, containing the long catalogue of prohibitions, restrictions and controls of war time that must be depressingly familiar to legislators of all countries. Happily all that need be said now about the emergency legislation is that it has been cancelled.

But the economic controls of war time in the Sudan cannot be allowed to disappear in a moment, and they have been continued by the Economic (Transitional Controls) Ordinance, 1945, which is given a life of two years. A number of other provisions in the emergency legislation have been given a place in the permanent legislation by the End of the Emergency (Miscellaneous Amendments) Ordinance, 1945.

Nevertheless the Sudan has been able to pass some important laws unconnected with the war and in extension of the rights of its subjects. Among these first place must go to the Advisory Councils Ordinance, 1943, and to the Advisory Council for the Northern Sudan Order, 1943, made under the Ordinance. Up to then even during the war there has been much legislative activity in the issue of a great number of Warrants by the Governor-General constituting Local Government Authorities under the three Local Government Ordinances

(Municipalities, Townships and Rural Areas) of 1937 and culminating in a new ordinance called the Local Government (Province Councils) Ordinance, 1943, said "to complete the pyramid of Local Government" by adding at the apex Province Councils to advise the Governors on Local Government. The Advisory Councils Ordinance then carried the process of the association of the Sudanese with the Government into the sphere of Central Government. The constitution of the Advisory Council for the Northern Sudan provides for a President (the Governor-General), three vice-presidents (the Civil, Financial and Legal Secretaries) and 28 ordinary members. Three ordinary members come from each of the six Northern Provinces, chosen from among the members of the Province Councils, usually by election. The other members are appointed by the Governor-General to represent important social and economic interests. The functions of the Council are broadly defined by the Ordinance as being "to constitute permanent machinery whereby the Governor-General may be enabled in relation to the good government of the Sudan to consult representative persons and to explain to such persons any aspect of the policy of the Sudan Government," and the Order makes detailed provisions as to the procedure of the Council to enable it to carry out those functions. As not less than half the members of the Province Councils must be appointed or elected from members of Local Government Authorities, most of whom are elected by the people, there is a direct democratic link between the people and the Advisory Council.

The rest of the permanent legislation, though not inconsiderable in amount (during the six years 47 Ordinances and 349 legislative rules and orders became law) is of minor importance, consisting mostly of amendments to previous laws. With new building impossible or expensive, restriction of rents became necessary and so the Rent and Recovery of Possession of Premises Restriction Ordinance, 1943, was passed which, it must be confessed, follows the English Rent Restriction Act except that it applies to all dwelling houses and to business premises, and the conditions on which a landlord may recover possession have been modified considerably to suit local circumstances.

There is also the Road Traffic Ordinance, 1945, largely a consolidating Ordinance, but worth mention because of two new provisions—one section which introduces the rule of sharing the damage caused in road accidents according to the degree of blame of all persons at fault, and another which, using the notion of compounding, introduces a simple procedure for the disposal of undefended road traffic offences requiring no appearance by either side in Court. Mention, too, may be made of the introduction of Yellow Fever Immunization certificates for travellers in place of the system of travel through anti-amaryl aerodromes; the latest law on this subject is the Quarantine (Yellow Fever) Regulations, 1945.

XI. SOUTH ATLANTIC

1. BRITISH GUIANA

[*Contributed by* A. C. BRAZAO, ESQ., *Crown Counsel.*]

THERE were forty-four Ordinances enacted during the year 1944. The principal of these are:—

Shop Hours.—The Shops Regulation Ordinance, C. 77, is repealed by the joint operation of Ordinances Nos. 5 and 22; No. 5 now regulates the opening and closing hours of, and the hours of work of assistants in, business premises other than hotels and spirit shops. No. 22 deals with hotels and spirit shops. In both Ordinances the principle of maximum hours a week is introduced and better provision for the welfare of assistants is provided.

Estate Duty.—No. 6 increases the amount of revenue derived from estate duty by the levy of a surcharge of twenty-five per cent. on estate duty payable under the Tax Ordinance, 1939 (No. 43).

No. 15 exempts from estate duty the estate of a person who dies on active service where the value of the estate does not exceed twenty-five thousand dollars. A provision made to effect a similar purpose during the first world war is repealed.

South Caribbean Force.—No. 7 changes the title "British Guiana Militia Force" to "British Guiana Regiment of the South Caribbean Force." Members of the Force are liable for service out of the Colony.

Income Tax.—No. 9 increases the rates of tax on persons and companies other than life insurance companies and imposes surtax on persons in the higher income groups.

No. 38 is complementary to the Excess Profits Tax Ordinance, 1944 (No. 33). That Ordinance extends to five years the period during which assessments of excess profits tax and claims for refunds can be made. This Ordinance provides that income tax may be charged on any sums so refunded.

Tax.—Two Ordinances, Nos. 13 and 38, amend the Tax Ordinance, 1939 (No. 43). The first abolishes a number of licences, principally in respect of small shops dealing in certain specified commodities. The second reduces the licence fee payable by a banking company from $3,000 to $1,200 on account of the arbitrary reduction in the issue of notes payable to bearer which a bank is authorized to make.

Co-operative Credit Banks.—No. 16 replaces the Co-operative Credit Banks Ordinance, 1933 (No. 28). The new Ordinance extends the facilities for granting credit and, among other features, limits the interest on loans by credit banks to six *per centum per annum.*

Old Age Pensions.—No. 17 introduces the system of old age pensions into the Colony. It provides for the payment of old age pensions to persons who have attained the age of 65 years, are British subjects resident in the Colony, and whose incomes do not exceed a certain specified amount.

Employment Exchanges.—No. 21 provides for the establishment of Employment Exchanges in the Colony. It follows very closely the United Kingdom Labour Exchanges Act, 1909 (9 Edw. VII, c. 7).

Soap.—No. 24 provides for the control of the manufacture and importation of soap. Provision is also made for maintaining a minimum standard of quality in each case.

Customs Duties.—Since the Customs Duties Ordinance, 1935 (No. 23), was enacted the Schedules have been subjected to numerous amendments. Ordinance No. 25 consolidates all the amendments made to the four Schedules.

Pensions.—No. 39 amends the Pensions Ordinance, 1933 (No. 20). It reduces the age of compulsory retirement from 60 to 55 and increases the rate of pension from one seven hundred and twentieth to one six hundredth of an officer's pensionable emoluments in respect of each complete month of service.

2. BRITISH HONDURAS

[It is hoped to publish the review in the next issue.]

3. FALKLAND ISLANDS

THE majority of the thirteen Ordinances passed during the year 1944 are contributions to the revision of the laws in operation which is specifically facilitated by Ordinance 10.

Dogs.—No. 1 is a consolidating ordinance which repeals and incorporates five Ordinances passed since the year 1853. It includes the provision that the owner or keeper of a dog shall be liable in damages for injury done to any domestic animals or poultry by that dog; and it shall not be necessary for the person seeking such damages to show a previous propensity in the dog, or the owner's or keeper's knowledge of such previous propensity, or to show that the injury was attributable to neglect on the part of the owner or keeper. The Ordinance also requires that any person taking the dog upon or across any sheep station between August 1 and the last day of November must previously obtain the permission of the owner or the manager.

Fisheries.—The Sea Fisheries Ordinance, 1920, is repealed and re-enacted with amendments in No. 2 to control fishing in the territorial waters of the Islands.

Dangerous Drugs.—No. 3 is also a consolidating ordinance and repeals three previous Ordinances devoted to restrictions upon the import, sale or distribution of dangerous drugs.

Licensing.—Five ordinances dating back to the year 1882 are consolidated in No. 4 which also includes amendments. Among the provisions are the following. If any master employing journeymen, workmen, servants or labourers shall pay or cause any payment to be made to any such journeymen, workmen, servants or labourers in or at any licensed premises or in any house in which liquor shall be sold, he shall be liable to a penalty.

Provided always that nothing herein contained shall extend to any licensed person paying his own journeymen, workmen, servants or labourers employed solely in his business as licensed person in his licensed house.

No licensed person shall recover any debt or demand on account of any liquor supplied by him to any person for consumption on the premises; but such licensed person may sue for and recover the value of any liquor supplied in moderate quantity with meals to any person bona fide lodging in the house.

The Ordinance fixes 18 years as the age under which liquor may not be sold or delivered to children. It also provides the penalty to which any licensed person is liable if he knowingly harbours any constable during his hours of duty or supplies liquor or refreshments to him either by way of gift or sale unless by the authority of some superior officer of same constable.

Three provisions which may deserve mention are as follows:—

No claim for money lent or goods sold to any lodger or customer shall be recoverable by any publican before any court.

Every licensed publican is required to provide suitable accommodation, with bed and board, for at least one traveller, and if he fails to do so shall be liable to a penalty.

Public Library.—The Library and Museum Ordinance of 1918 is repealed and in its place is No. 5, which now provides the authority for the care and management of the public library and museum in the town of Stanley.

Plant Diseases.—The Governor in Council is enabled by No. 6 to make regulations with regard to the importation of plants with a view to the prevention of the introduction and spread of pests and diseases affecting vegetation.

Cinematographs.—The ordinance of 1912 relating to cinematographs is now repealed and provision made in No. 8 for the cinematograph exhibitions.

Tobacco.—The Tobacco Licence Ordinance, 1889, and the Juvenile Smoking (Prohibition) Ordinance, 1939, are repealed by No. 9, which extends the law relating to the sale of tobacco and the grant of licences to persons engaged in the trade. For the purpose of this Ordinance 16 is the age under which any child may not be supplied with cigarettes or cigarette papers, whether for his own use or not. In addition it is the duty of a constable to seize any cigarettes or cigarette papers in the possession of any person apparently under the age of 16 whom he finds smoking in any street or public place. If children are found to be making use of automatic machines for the sale of cigarettes the owner of the machine may be required to remove it on complaint of a Court of Summary Jurisdiction.

4. ST. HELENA

[It is hoped to publish the review in the next issue.]

XII. WEST INDIES

1. BAHAMAS

2. BARBADOS

3. JAMAICA

[It is hoped to publish the reviews in the next issue.]

4. LEEWARD ISLANDS

1943

ELEVEN Ordinances were passed in 1943.

Leeward Islands Battalion.—Provision was made by No. 6 for the establishment and government of a force called the Leeward Islands Battalion.

(i) ANTIGUA

THE six Ordinances passed in 1943 include one providing for the appointment of a Country Board of Health.

(ii) MONTSERRAT

TWENTY Ordinances were passed in the year.

(iii) ST. CHRISTOPHER and NEVIS

SEVEN Ordinances were passed in the year.

Building.—No. 1 provided for the control of the erection, re-erection, and structural alteration of buildings.

Labour.—No. 6 declares the establishment of a Federal Labour department to be within the competency of the General Legislature.

(iv) VIRGIN ISLANDS

THREE Ordinances were passed in the year.

5. WINDWARD ISLANDS

(i) GRENADA

[It is hoped to include the review in the next issue.]

(ii) ST. LUCIA

1943

SIXTEEN Ordinances were passed in the year.

Rent Restriction.—No. 3 provides for the constitution of a Rent Assessment Board with the magistrate of the First Judicial District as chairman, assisted by two rent assessors selected from a panel of ten. The Board is to follow the procedure of the District Courts and an appeal lies to the Supreme Court. The Board determines the standard rent, the maximum permitted rent and the permissible increases.

Factories.—No. 8 is a comprehensive measure making provision for the registration and supervision of factories and for the safety of workers employed in them.

Income Tax.—No. 15 exempts from income tax the interest on Savings Certificates issued by the Government of the United Kingdom and by certain Colonial governments.

1944

Twenty-two Ordinances were passed in the year.

Armed Forces.—The Saint Lucia Detachment of the Windward Islands Regiment of the South Caribbean Force is constituted by No. 2.

Scholarship.—Five Ordinances dealing with the St. Lucia Scholarship founded in 1918 are consolidated in No. 3, which now contains the terms of its award.

Probation of Offenders.—The Criminal Code is amended by No. 7 which now contains the law relating to the probation of offenders.

Armed Forces.—Provision is made by No. 20 for the remission or partial remission of succession duty in the case of persons killed as the result of the war.

(iii) ST. VINCENT

[*Contributed by* S. J. BAIN, ESQ.]

Motor Vehicles and Road Traffic.—No. 1 (*a*) gives the option to licensees of motor vehicles to pay for the same yearly, half-yearly or quarterly. (*b*) replaces Part 1 of the first schedule to No. 20 of 1940.

Kingstown Harbour.—No. 2 replaces s. 3 (1) of c. 200 of the Revised Laws which deals with boatmen's licences. No. 21 amends s. 48 so as to permit an increase of rates.

Licences.—No. 3 provides certain minor changes in the machinery for collecting Licences.

Old Metal.—No. 4 provides for the collection by the Superintendent of Police, instead of the Treasurer, of all licences under the Old Metal Ordinance.

Passenger Boats.—No. 5 provides for the collection of licences under the Passenger Boats Ordinance by the Superintendent of Police, instead of the Treasurer.

Banana Association.—No. 6 provides for the payment to the Treasurer by Barclay's Bank (D.C. & O.) of certain funds in the hands of the latter to the credit of the now defunct Banana Association.

Education.—No. 7 permits the presence of the public at meetings of the Education Board.

Teachers' Pensions.—No. 8 provides for the payment of pensions to Teachers of Government and assisted Primary Schools and the Glen Community School.

Customs.—No. 9 amends s. 83 of c. 183 so as to make the master of a ship liable to a penalty in cases where, through breaking, it is made possible to remove goods under seal.

Labourers Occupancy of Land.—No. 10 amends s. 5 of c. 76 so as to permit a lapse of six months between the service of a notice to quit and the execution of a warrant of ejectment.

South Caribbean Force.—No. 11 constitutes the St. Vincent Detachment of the Windward Islands Regiment of the South Caribbean Force.

Electricity Supply and Refrigeration.—No. 12 replaces ss. 10 and 12 of Ordinance No. 25 of 1937.

Marriage.—No. 13 amends s. 54 of c. 151 so as to ensure that the law of England relating to degrees of consanguinity or affinity, as amended from time to time, shall apply in St. Vincent.

Supreme Court.—No. 14 amends s. 38 of No. 5 of 1941 so as to reduce from 10 years to five years the period to be served by the Registrar's or Crown Attorney's Senior Clerk before being eligible for examination as a solicitor.

Agricultural Products Protection.—No. 15 amends s. 6 of c. 31 so as to prohibit the use of a seller's record by any person other than the person to whom it is issued.

Customs Duties.—No. 16 replaces item 74 (*d*) of the first schedule to c. 184.

Excise.—No. 17 amends s. 3 of c. 188 so as to provide for an increase in the duty on rum.

Public Property Insurance.—No. 18 amends s. 3 of c. 145 so as to increase the annual allocation in lieu of insurance.

The Land and House Tax.—No. 20 provides for the collection of an additional tax on lands in 1945.

6. TRINIDAD AND TOBAGO

FORTY-NINE Ordinances were passed in the year.

Trade Disputes.—No. 7 authorizes peaceful picketing and imposes penalties for any action of the nature of intimidation or annoyance by violence. An act in furtherance of a trade dispute is not actionable on the ground that it has caused interference with another person's business. Nor can an action of tort be brought against either a trade union or an organization of employers, nor is agreement between two or more persons in furtherance of a trade dispute actionable as a conspiracy. Penalties are imposed for breach of contract by persons employed in public services, and any combined action which will cause injury or danger or grave inconvenience to the community is also liable to a penalty or imprisonment.

Rent Restriction.—The Rent Restriction Ordinance, No. 13 of 1941, is extended by No. 10 to premises let with service. A complementary ordinance, No. 14, deals with the rent restriction of small agricultural holdings under the direction of an Agricultural Rents Board appointed under the Act.

Insurance Companies.—The conditions under which insurance companies carry on their business are regulated by No. 11 by requiring deposits with the Accountant General and the separation of funds. It also sets forth the particulars required in the accounts and actuarial reports besides providing for the amalgamation, transfer and winding up of companies. There are also special provisions in reference to particular classes of insurance.

Entertainment Duty.—No. 13 imposes a duty in respect to the admission to cinematograph entertainments.

War Risks Insurance.—Provision is made by No. 16 for insurance against war risks under the direction of a War Risks Insurance Board financed by the Secretary of State through the Government of the Colony.

Oil.—The government takes power under No. 22 to exercise control over supplies of oil in the Colony.

Marriage.—Facilities are provided by No. 24 amending the Marriage Ordinance c. 29, for persons non-resident in the Colony to contract marriage.

Sleeping Accommodation.—The powers of the Rent Assessment Board constituted under the Rent Restriction Ordinance, 1941, are extended to deal with sleeping accommodation with or without services. Penalties are imposed for the demand of premiums.

Intoxicating Liquor.—The law controlling the sale of intoxicating liquors in licensed premises is strengthened by No. 28.

Colonial Secretary.—The Colonial Secretary becomes a body corporate by No. 29.

Service Charges.—The object of No. 31 is to prevent under war conditions excessive charges being made for performing services in relation to goods, including hiring. The Governor in Council may make orders to fix maximum charges. The right is given to recover excess charges and with interest at the rate of six per cent. The Governor has a Charges Regulation Committee to assist him in carrying out the Ordinance, and a body of inspectors.

Sawmills.—A system of licensing sawmills is established by No. 25.

Leprosy.—Previous legislation is repealed by No. 38 which now contains the law relating to the treatment of lepers, including their notification and care.

1944

[It is hoped to publish the review in the next issue.]

XIII. MEDITERRANEAN

1. GIBRALTAR

[*Contributed by* A. McKisack, Esq., *Attorney-General.*]

Thirteen Ordinances were enacted during the year 1944, the more important of which were the following:—

Military Service.—No. 6 provides for postponement of liability to be called up for compulsory military service in cases of exceptional hardship. No. 9 makes provision for exempting conscientious objectors from military service or their assignment to non-combatant duties or civil work.

Public Health.—No. 11 establishes an advisory board of public health.

Education.—No. 13 is designed to ensure that private schools shall be of a satisfactory standard in regard to adequacy of accommodation, efficiency of instruction and qualifications of teachers. A school cannot be opened unless it is made to appear that there will be compliance with these requirements, and power is given to close a school in case of non-compliance and failure to remedy the defects.

2. CYPRUS

[*Contributed by* The Hon. Stelios Pavlides, K.C., *Attorney-General.*]

Forty-seven Laws were enacted during 1944, out of which not less than thirty-two were amending Laws, in some cases lengthy and of far-reaching interest and importance; of these there may be noted:—

Education.—Law 3 amends very extensively the Elementary Education Laws, 1933 to (No. 2) 1937. Its main feature is the introduction of a pension scheme for teachers in elementary schools; so far, such teachers, upon retirement, were only eligible for a gratuity of one month's salary for every year of service. Pensions to teachers, under the Law, are computed practically on the same basis and are governed by the same considerations, as pensions payable to civil servants under the Pensions Orders and Laws, 1929 to 1941.

Another important feature is the repeal of the provisions relating to the division of teachers into classes; teachers will, in future, be appointed on incremental scales of salary.

The opportunity was taken to change the term "Orthodox-Christian" as applying to one section of the population, into "Greek-Orthodox," which is more exact.

Land Purchase.—Law 12 amends the Land Acquisition Laws, 1899 to 1936. It simplifies the giving of notices and introduces certain rules for the guidance of the Courts in assessing compensation; it also makes provision for a betterment charge recoverable from any person whose property is increased in value by reason of the acquisition of any land for the purpose of making a new road or of widening or straightening up an existing road.

Rent Restriction.—Law 30 amends the Increase of Rent (Restriction) Laws, 1942 and 1943. Among other provisions, it enables a landlord to increase the rent by adding any increase in the immovable property tax or the rates payable in respect of the premises.

Special powers are given to the Board to deal with and regulate sub-tenancies with a view to ensuring that sub-tenants are not overcharged and that overcrowding is avoided.

A tenant who, by taking in lodgers, is making a profit which the Court may consider unreasonable, may be ejected by the Court on a suit by the landlord.

Wills.—Law 31 amends the Wills and Succession Laws, 1895 and 1935, and provides that declarations, made by any person with respect to the disposal of his property after his death, which would have been valid under the Wills Act, 1837, and the Wills (Soldiers and Sailors) Act, 1918, shall be valid and effective as wills under and for the purposes of the Wills and Successions Laws of Cyprus.

Local Government.—Law 41 amends the Municipal Corporation Laws, 1932 to (No. 2) 1943, in two main particulars, viz.: (*i*) *Town Rates*: such rates, not exceeding one shilling in the pound, could be imposed only as a last resource if the town fund proved insufficient to meet the needs of the town. The new provision enables councils to levy an annual town rate not exceeding five shillings in the pound on the annual value of the immovable property found within the municipal limits; provision is made for the valuation of the property and for the collection of the rates, and town rates will, henceforth, be a substantial source of municipal revenue.

In order, however, that the immovable property within the municipal limits shall not be burdened with double taxation, provision is made that, upon the levying of a town rate, the levying of the immovable property tax on such property will cease;

(*ii*) *Surcharges by Government Auditor*: Experience had shown that the machinery for recovering surcharges made by the Auditor was cumbersome and unsatisfactory. The right to appeal to the Governor in Council is retained, but the decision is final and conclusive and payment is enforced by filing a certificate signed by the Colonial Secretary that the amount surcharged is due and unpaid; such certificate is then executed as if it were an order of the Court. If the person surcharged is a member of the council and fails to make good the amount of surcharge within a certain period, he is deemed to have vacated his office.

Companies.—Law 45 amends the Companies (Limited Liability) Laws, 1922 to 1943, enabling the Registrar to strike defunct companies off the register.

Of the new Laws the following may be noted:—

Arbitration.—Arbitration Law, 1944, making provision for the reference and submission of differences to arbitration based on the English Law on the subject.

Malaria.—Public Health (Anti-Malaria) Law, 1944, making better provision for the prevention of the spreading of malaria.

Land Tenure.—Immovable Property (Vakf Idjaretein and Arazi Mevcoufé Takhsisat Conversion) Law, 1944, making provision for the conversion of the above categories of land into Mulk and Arazi Mirié respectively.

Vakf Idjaretein is land which was originally fully Vakf property (i.e., property dedicated for religious purposes) rented on terms of what is known as single rent (Idjaré-i-Vahidé); there were, however, cases in which single rent proved insufficient to cover the cost of maintaining the property in proper tenantable repair and the form of double rent tenure was invented under which the property was granted to a person upon payment in advance of the estimated value of the property and on payment of a nominal annual rent. Subject to certain minor incidents of tenure, property of this category was practically treated as the property of the possessor in full ownership (Mulk).

Arazi Mevcoufé Takhsisat land, in spite of its description as Mevcoufé, was substantially state land (Arazi Mirié), the only difference being that certain fees chargeable upon transfer of such land went to the Vakf to which the land was originally attached instead of to the public treasury. This matter has been re-adjusted by payment of compensation to the Delegates of Evcaf.

The conversion of these two categories of land into Mulk and Arazi Mirié removes an anomaly and paves the way for the abolition of the various categories of land under the Ottoman Land Laws which still govern land tenure in Cyprus.

War Loan.—War Loan Law, 1944, makes provision for the raising of a second war loan. It differs from the War Loan Law, 1943, in that the bonds issued under it do not carry any interest; such bonds, however, are redeemed at a premium by drawings by lot in accordance with regulations made under the Law.

3. MALTA

[*Contributed by* J. M. GANADO, ESQ.]

1943

DURING the year 1943 29 Ordinances were passed by the Council of Government and assented to by His Excellency the Governor.

War Damage.—By far the most important law enacted during 1943 is the War Damage Ordinance (Ord. No. III). A War Damage Commission, composed of a Chairman and from four to six other members, is to be appointed by the Governor; non-official members of the Council of Government cannot be appointed members and the Commission is to include one barrister and one architect of at least ten years' practice respectively—s. 3(2). No act of the Commission can be questioned on account of a defect in the appointment of a person purporting to be a member thereof—s. 3(5).

The Ordinance is divided into three parts: the first dealing with "Buildings"; the second relating to "Goods" and the third of general application.

All developed tenements which have been the subject of valuation under the Developed Land (Valuation) Ordinance are liable to the contributions established in this Ordinance, i.e., ten half-yearly instalments at the rate of one shilling in the pound in relation to the tenement's annual value. The credits having as object such contributions are privileged and rank with the credits of the *directus dominus* according to art. 1779 of Ordinance VII of 1868; the law also provides that joint-owners are bound together *in solidum*. The number of instalments payable and/or the rate of calculation of the contribution may be increased by the Governor with the consent of the Council of Government, provided that the aggregate *per capita* payment made or to be made by contributors and the total period over which payment is spread shall not be in excess of that obtaining or to obtain in the United Kingdom—s. 9.

No contribution is due and no compensation will be given under this Ordinance in regard to property belonging in absolute ownership to the Crown, the Government of Malta, or the Naval, Military or Air Force Authorities—s. 37(1). Church edifices (s. 42) and property belonging to the Church in general (s. 39, sub-s. 1) are exempted from the payment of contributions. Developed tenements owned by Holy Orders and Institutions, etc., used exclusively for charitable purposes, relief of poverty, care of the infirm, advancement of religion and education) are likewise exempted. In other cases, i.e., if owned by someone else, they are exempted as regards two-thirds of the contribution, only if they are used or normally used for educational or scientific purposes.

Tenements rendered unfit for the purpose for which they were used before the damage had been caused or for any other purpose substantial in relation to that purpose are liable to the contributions, but the relative payment need not be made immediately.

There may be a direct contributor and also an indirect one in certain specified cases; special mention is made of the following juridical relations or situations: contract of emphyteusis; privileged creditor in cases of loan for repairs, etc.; sale of immovables on credit; loan for purchase of immovables; antichresis; and usufruct.

Full compensation is to be given in accordance with the provisions of the Ordinance, on condition that there is no negligence on the part of the interested person. "Cost of works payment" is made when useful works are carried out for the reinstatement of the damaged tenement. "Value payment" corresponds to the depreciation in the tenement resulting from the damage with reference to the prices current on March 31, 1939—(s. 19). It is "cost of works" unless the damage involves total loss, i.e., when the costs of reinstatement are likely to be more than the difference between the tenement's value as reinstated and the value of the place as a site with the damage not made good (s. 20). But as regards the application of these rules, the Governor has certain discretionary powers to be used in the public interest (s. 21). "Temporary works payment" refers to the amount equal to the proper cost of any works reasonably executed for temporarily meeting the circumstances created by the damage.

An appeal is allowed within six days in certain cases to the Board of Special Commissioners for Land Valuation and in most cases to the Court of Appeal.

A system of payments by instalment is also provided for as regards cost of works payment and temporary works payment, and the Governor may make Regulations relative to value payments, in regard to which interest at 2½ per cent. from the date of damage is due.

Two insurance schemes applicable in the case of movables are established by the Ordinance: the business scheme and the private chattels scheme. In the business scheme the Commission undertake to insure persons carrying on business, against war damage to goods in their possession for the purpose of their business (interpreted in a wide sense) or owned by them or held by them under the following titles: commodatum, precarium, deposit, pledge or hiring and letting (s. 45). In the private chattels scheme all goods not insurable under the business scheme are included, i.e., either owned by a person or in his possession or owned by or in the possession of a member of his household. No goods which are insurable under Part II of the War Risks Insurance Act can be insured under these two schemes. The same applies in regard to things or classes of things which may be excluded by the Governor from time to time.

By this Ordinance a Malta War Damage Fund is constituted; it does not form part of the General Revenue of the Government of Malta. The Lieutenant-Governor, the Treasurer and another person not holding a salaried office under the Crown constitute the Board of Directors of the Fund, which is created for the payment of moneys in accordance with the provisions of the War Damage Ordinance and "for other purposes beneficial to Malta" (s. 59).

The Commission has the right to ask for any information which it may require and pecuniary and/or corporeal punishments are awarded in case the required information is refused or false information given, either deliberately or recklessly, either with reference to one's own property or to the property of others.

Widows' and Orphans' Pension.—No. I of 1943 amends the Widows' and Orphans' Act, 1927. A contributor who retires before the contribution term expires may continue to pay contributions and a pension will eventually be due to his widow and children, saving the power of the Governor to declare the period of service too short for the application of the Act. In such a case the benefits under the Act correspond to the contributions actually paid.

Any officer dismissed for misconduct is not entitled to rank for benefit under the Act, whether by way of return of contributions or by way of pension. However, the Governor may authorize the payment of either half of the contributions or half of the pension the officer would have had, under certain specified conditions.

Developed Land Valuation.—No. VI of 1943 amends the Developed Land (Valuation) Ordinance, 1941, extending its application to developed tenements under five pounds and to other tenements not included under the main Ordinance. Notification has to be made to the Land Valuation Officer in case any structural alterations or additions are made to tenements; the relative assessed value is consequently liable to alteration.

Prisons.—No. IX of 1943 amends No. VII of 1897. Prisoners sentenced by the Naval, Military or Air Force Authorities may be removed to the Civil Prison as a place of intermediate custody. They may also be removed to the Civil Prison to serve their sentence, provided the prisoner is of Maltese nationality or a person permanently residing in these Islands and has been dismissed from His Majesty's Services.

Underground Water.—No. XII of 1943 repeals and re-enacts with amendments the Water Pumps Ordinance, 1938. The law aims in general at avoiding a decrease in the potential resources of water in these Islands and facilitates the opening of new sources of underground water for public consumption. Not only are the means of drawing water controlled, but the tapping of underground water supplies are likewise controlled.

Notification must be made by the owner or occupier in case of the installation of a water-pump or excavation or alteration of a well, etc. The Water Board may refuse to grant a licence and may order that an existing well be blocked. An appeal may be made to the Governor, whose decision is final and conclusive.

Succession and Donation Duties.—No. XV of 1943 confers upon the Collector of Imposts and Lotto the power to omit to take into account damaged or destroyed immovables or moneys due of which payment may have become at any time previous to the transmission doubtful or impossible for the time being through circumstances arising out of the emergency, or any stocks and shares which at the time of the transmission are not negotiable in virtue of a law arising out of the hostilities. In such cases the assessment will be provisional. The Collector of Imposts and Lotto is given the power to demand a duplicate notice of a chargeable transmission, if the notice is lost through enemy or counter-enemy action.

George Cross Emblem.—No. XVI of 1943 provides that no one is to use the words "George Cross" or the George Cross emblem for any purpose whatsoever without the permission of the Governor. A fine (*multa*) from £50 to £200 and forfeiture of the goods, upon or in connection with which the words or the emblem was or were used, are the penalties which are imposed.

Labour and Social Welfare.—No. XIX of 1943 establishes the post of Director of Labour and Social Welfare; duties which under any enactment are to be performed by the Commissioner for Labour and Emigration or by the Commissioner for Labour or by the Commissioner for Emigration are to be performed according to this Ordinance by the Director of Labour and Social Welfare.

1944

During 1944 twenty-one Ordinances were enacted by the Governor with the advice and consent of the Council of Government.

Sanitary Laws.—No. I amends the Second Sanitary Law of 1900, that is Ordinance No. XVII of 1901. Any person licensed to practice his profession under the Sanitary Laws may be deprived of his licence or fined or subjected to disciplinary measures by the Governor on the advice of the Medical Board, if he issues an untrue, misleading or improper certificate. If he deems himself aggrieved by the finding and recommendation of the Medical Board or by either of them, he may appeal to His Majesty's Court of Appeal within six days. Any such appeal will be heard "in camera." The Court of Appeal may either confirm or revoke the declaration of the Board *in toto* or *in parte* and even increase the punishment.

No. XIII, amending Ordinance No. VIII of 1908, confers upon the Governor the power of prescribing by Regulations the measures to be taken "for the prevention of danger arising to public health from ships, aircraft or passengers arriving in Malta, as well as measures for the prevention of the conveyance of infection by means of any ship or aircraft or passengers leaving Malta"—s. 2(1).

Reformatory School.—No. III amending the Reformatories Ordinance of 1921 (Ord. No. II of 1921) substitutes the words "Approved School" for "Reformatory"; the reason, as explained in the "Objects and Reasons" published together with the Bill introduced in the Council of Government, is that "the term 'Approved School' is considered more appropriate than 'Reformatory' for an institution the object of which, rather than to reform criminals, is to educate young persons and to keep them from surroundings which tend to induce them to commit offences or to give them facilities for so doing."

Employment of Children.—No. VI was enacted to regulate the employment of children and young persons (14–17). There is absolute prohibition to employ children in certain cases, e.g., if they are under the age of 12 or in a place of public entertainment, if they are under 14, or in factories and workshops, unless only the members of the same family work in such workshop. The Governor may, however, make regulations authorizing the employment of children for light work under the conditions which he may deem advisable to impose. The provisions of this Ordinance are not applicable in regard to apprentices, that is, children over 12 bound by written agreement to serve an employer with a view to learning a trade or business. Protection is also afforded to young persons; for instance, they may not be employed "to lift or move anything so heavy as to be likely to cause injury" to them (s. 5), or, if below 16, in the carrying out of work which entails a certain amount of personal danger as specified in a Schedule.

Labour officers or other persons authorized by the Governor are empowered to enter and inspect at all "reasonable" hours by day or night any premises for the purpose of ascertaining whether the provisions of this Ordinance are being complied with or not.

Crown Property.—No. VII amends No. VII of 1868 which is the principal Civil Law Ordinance. The amendment deprives the *directus dominus* and the lessor of an immovable of their rights *super invectis et illatis* in regard to things belonging to any Department of the Government of Malta or of the Imperial Government in any case in which such Department is not itself directly liable for the payment of the debt. According to general Civil Law rules the rights of security of the *directus dominus* and of the lessor extend over all things that "furnish" (in the old text: *a guarnire o ad istruire il fondo*), irrespective of ownership. This Ordinance has withdrawn things "that belong to or are held by or on behalf of" any Government Department from the orbit of operation of the general rule, except for the cases in which the Government Department is directly bound.

Criminal Law and Procedure.—No. VIII amends the Criminal Laws. It provides that when a deposition is given in English it has to be taken down in English. The Registrar is allotted the task of translating it into Maltese (except when the trial is to be held in English) and inserting it in the record of the proceedings.

No. XII amends the Criminal Laws by adding art. 23a to the principal law. This article gives the power to the Court to apply the punishment which it deems adequate notwithstanding that a minimum punishment is prescribed in the law; an exception is made as regards offences punishable with death. In case the

Court avails itself of the power conferred upon it by this Ordinance, the special and exceptional reasons attending the particular case have to be explained in detail. This law evidently aims at applying a remedy to certain punishments which were found to be too severe and is the result of a recommendation of a Commission appointed by His Excellency the Governor to consider amendments to the Criminal Laws.

Pensions.—No. XV amending No. XVII of 1937 empowers the Governor in Council to award a gratuity of not more than three-fourths of one year's salary to the legal representative of an officer who dies after having continuously served for at least five years. This Ordinance reduces to five years the period of fifteen years which was required by the Ordinance thus amended.

Rent Restriction.—No. XVI aims at providing for many cases which had not been contemplated by the Reletting of Urban Property Regulation Ordinance, 1931. The "fair rent" of a house which was in the main ready for use on March 31, 1939, may be definitely established by the Rent Regulation Board or as a result of the lapse of 28 days after that the parties have agreed to a rent not exceeding that of March 31, 1939, or on conditions not more onerous than the "ordinary" conditions. In regard to a new house the rent can be fixed only by the Board upon an application made by one of the interested parties.

A right of preference is given to the last tenant of a house which had been demolished or damaged by enemy action and which has been rebuilt or repaired, saving the landlord's right to occupy the tenement himself or to give it on lease to one of his relatives within a degree specified in the law, provided such house has not been let before the promulgation of this Ordinance.

Excessive rent agreed upon, understood in a wide sense meaning consideration under any form for the grant of a dwelling house on lease, cannot be claimed by the landlord and, if paid, may be recovered by the tenant either by means of deduction from rent due or by direct recovery within one year from the date of termination of the tenancy or from the date on which this Ordinance ceases to be in force, whichever is the earlier. This does not apply to rent actually paid in execution of contracts stipulated before March 31, 1939, or made bona fide after that date but with effect retrospective to that date.

Certain violations of this Ordinance are declared offences triable by the Courts of Magistrates of Judicial Police. The offender is liable to a *multa* of from £20 to £200 or to imprisonment for not more than three months. However, it is stated that the Courts may not apply the penalty of imprisonment, otherwise than on failure to pay a fine, until after the date of a resolution to that effect passed by the Council of Government.

According to s. 1(2) this Ordinance "shall continue in force until the expiry of the Emergency Powers (Colonial Defence) Order in Council, 1939, and for one year thereafter and may be continued in force for a further period or periods of twelve months at a time by Resolution of the Council of Government."

Chamber of Commerce.—No. XVIII amends Act XXX of 1927 (it is called Act because it was enacted by the Maltese Parliament during Responsible Government) with the object of allowing the Chamber of Commerce to formulate its own rules concerning the constitution of the Council of the Chamber.

XIV. MIDDLE EAST

1. PALESTINE

[It is hoped to publish the review in the next issue.]

2. TRANS-JORDAN

[*Contributed by* A. L. GARDINER, ESQ., *Judicial Adviser.*]

THIRTY-FIVE laws were passed during 1944. Of these eight were financial and 19 amended existing legislation. The eight remaining laws were as follows:—

Arab Legion Pension.—The Pensions Law No. 3 of 1941 had consolidated and amended a mass of Turkish and subsequent legislation regarding the pensions of civil officials, but the Arab Legion, which is the Police force, was not covered by this law. No. 10 effects a similar reform in the case of the Arab Legion.

Revenue Duty Arab Legion.—Under the Revenue Stamp Law, stamps must be placed by the individual concerned on various financial transactions. As the Arab Legion has been greatly extended, and is largely employed on military work, it was found impossible to observe the provisions of the Stamp Law. No. 19 provides for a small deduction from the pay of members of the Arab Legion to take the place of the sums which they would otherwise expend on stamps.

Lease of Immovable Property.—In Trans-Jordan foreigners are not allowed to purchase immovable property without the consent of the Government. No. 24 makes such permission necessary also in the case of leases of over three years.

Registration of Vessels.—Trans-Jordan has only one ocean sea port, but it also borders on the Dead Sea, and it was found necessary to introduce legislation No. 29 which provides for the registration of vessels. The matter is to some extent connected with the Fisheries Law, No. 25 of 1943.

Lands in Municipal Areas.—Land in Trans-Jordan is either *Mulk*, which is like freehold, or *Miri*, which is of an inferior nature. Both categories exist in municipal areas. Owing to the rise in the value of land in such areas, and to the fact that proper title deeds are now being issued, it was decided to turn all *Miri* land in municipal areas into *Mulk*. The necessary authority is contained in No. 31.

Advocates.—No. 33 consolidates and amends the law regarding advocates in the Civil Courts.

No. 34 consolidates and amends the law regarding advocates in the Moslem Religious Courts.

Taxation.—No. 35 provides for the imposition of additional taxes on Moslems, for purely Moslem purposes.

INDEX TO REVIEW OF LEGISLATION

Abattoirs (Western Australia), 127, 131
Accidents (Ontario), 67
Administration of Estates,
  (Western Australia) 127, 163
Adoption (Bermuda), 80
  (Fiji), 199
Advertisements (Gold Coast), 224
Aerial Navigation. *See* Aviation.
Agriculture. *See also* Farms, Milk.
  advisory council (United Kingdom), 12
  credit (Quebec), 71
    (Queensland), 89
  loans (Assam), 220
  (Nova Scotia), 65
  prices (Canada), 28
  protection of (St. Vincent), 234
  relief (Assam), 220
    (Saskatchewan), 76
    (South Australia), 118
    (Victoria), 125
    (Western Australia), 192
Aluminium (Australia), 81
Alunite (Western Australia), 193
Amusements (Manitoba), 56
Animals. *See also* Tuberculosis.
  diseases (Gambia), 223
    (Sierra Leone), 225
  husbandry (Manitoba), 55
    (New Hebrides), 201
    (Nyasaland) 227
    (Queensland), 94
Apprenticeship (Alberta), 43
  (New Brunswick), 59
  (Nova Scotia), 64
  (Queensland), 111
  (Saskatchewan), 74
Arbitration (Cyprus), 237
Armed Forces. *See also* Re-establishment, Veterans' Insurance.
  active service (Western Australia), 159, 172
  after care (Fiji), 198
  (British Columbia), 51
  exemption (Kenya), 226
  (Fiji), 199
  (Gilbert and Ellice Is.), 199
  grants (Canada), 36
  (Leeward Is.), 233
  Naval (Canada), 33
    (United Kingdom), 4
  pensions (Gilbert and Ellice Is.), 199
  property of (New Brunswick), 58
  reinstatement of (Cape), 204
    (Queensland), 102
    (United Kingdom), 5
  relief (Queensland), 92
  (St. Lucia), 234
  (St. Vincent), 234
  (Somaliland), 228
  South Caribbean Force (British Guiana), 231
  V.A.D. (United Kingdom), 4
  voting by (Saskatchewan), 73
Arms and Ammunition (Kenya), 226
Assayer (Tanganyika), 228
Auctions (Cape), 202
Aviation, development of (Canada), 28
  (India), 212
  (Sierra Leone), 225

Banana Association (St. Vincent), 234
Banking (Alberta), 41
  (Canada), 29
  co-operative (British Guiana), 231
  industrial development (Canada), 30
  notes (Canada), 29
Bankruptcy (Fiji), 199
  (Kenya), 226
Barristers. *See* Legal Profession.
Betting, houses (Western Australia), 172
  (Orange Free State), 205
Bicycles (Bihar), 218
  (Tonga), 200
Blind, pensions for (Manitoba), 58
  (Saskatchewan), 77
  workmen's compensation (Nova Scotia), 60
Boundaries, encroachments of (South Australia), 118
Boy Scouts (Gambia), 223
Broadcasting (Canada), 33
Building (Bombay), 215
  (St. Christopher and Nevis), 233
Building Societies, Benefit (Nova Scotia), 63
Business' Names (Western Australia), 166

Cancer, treatment and research,
  (Ontario), 67
  (Queensland), 105
  (Saskatchewan), 74
Cemeteries (British Columbia), 51
Census (Gambia), 223
Chaff and Hay. *See* Feeding Stuffs.
Chamber of Commerce (Malta), 242
Charitable Institutions (Natal), 204
Children, allowances.
  (Australia), 83
  (Canada), 32
  (Eire), 24
  (New Brunswick), 59
  employment of (British Columbia), 51
    (Malta), 241
  guardianship of refugee (United Kingdom), 6
  protection of,
    (Newfoundland), 80
    (Quebec), 71
    (Tanganyika), 228
  welfare,
    (Alberta), 41
    (Manitoba), 55
    (Western Australia), 128
Chiropractic (Manitoba), 53
Church Assembly (United Kingdom), 14
Cinematograph (Falkland Is.), 232

- Civil Procedure,
  - (Queensland), 94
  - (Saskatchewan), 73
  - (Tonga), 200
- Civil Service. *See also*Teachers.
  - (New Brunswick), 58
  - (Nova Scotia), 60, 63
  - pensions (Canada), 31
    - (Northern Ireland), 20
    - (Western Australia), 140
- Clerks of works, registration (New Zealand), 196
- Clogher Valley Railway (Northern Ireland), 18
- Cloth, sale of (Madras), 214
- Clothing (Tonga), 200
- Coal,
  - (Australia), 82
  - (India), 209
  - mines regulations
    - (India), 212
    - (Nova Scotia), 63
- Coconuts (India), 211
- Coffee (India) 210
  - (Kenya), 225
- Companies,
  - (Australia), 85
  - (British Columbia), 49, 50
  - (Cyprus), 237
  - (Fiji), 199
  - (India), 211
  - (Kenya), 225
- Constituencies, redistribution of,
  - (United Kingdom), 1
- Constitution. *See also* Ministries.
  - Colonial Secretary (Trinidad and Tobago), 235
  - Commonwealth Powers (Western Australia), 170
  - (Eire), 25
  - executive council (Nova Scotia), 60
  - (Fiji), 198
  - leader of the opposition (Manitoba), 54
  - legislative assembly (Alberta), 45
  - legislative council (Western Australia), 134
  - Members of Parliament, compensation (Western Australia), 135
  - Ministers' titles (South Australia), 120
  - (Orissa), 221
  - payment of members,
    - (New Zealand), 198
    - (Queensland), 92
    - (South Australia), 120
  - postponement of election (Western Australia), 182
  - public meetings,
    - (Tonga), 200
  - (Sudan), 229
  - War Service of members (Western Australia), 171
- Contracts, frustrated (Isle of Man), 24
  - (New Zealand), 196
- Contributory negligence.
  - (Saskatchewan), 73
- Co-operative Associations,
  - (Bihar), 218
  - (Saskatchewan), 74
  - (Tanganyika), 229
- Cotton (India), 208, 209
- Court Fees. *See* Civil Procedure.
- Courts Emergency Powers,
  - (United Kingdom), 10
- Credit Unions (British Columbia), 50
- Criminal Law,
  - (Bermuda), 80
  - (Canada), 31
  - (Fiji), 198
  - (Malta), 241
  - (Queensland), 107
- Criminal Procedure,
  - Appeal (Sierra Leone), 225
  - (Fiji), 198
  - (Kenya), 226
  - (Tonga), 200
- Crown Lands,
  - (Malta), 241
  - (Manitoba), 54
  - reserves (Western Australia), 150
  - (South Australia), 118
- Customs and Excise,
  - (British Guiana), 231
  - (Canada), 32
  - preventive force (Tanganyika), 228
  - (St. Vincent), 234, 235
  - (Tonga), 200

- Dairies. *See* Milk.
- Dairy Produce (South Australia), 118
- Dangerous Drugs (Falkland Is.), 232
- Deaf and dumb, Education (Nova Scotia), 62
- Death Duties, remission of (Nyasaland), 227
  - (Western Australia), 129
- Debt, attachment of (British Columbia), 50
- Declaration, Statutory (Australia), 84
- Defence of the Realm. *See* Emergency Powers.
- Delegated legislation (Manitoba), 84
  - (Ontario), 68
  - (United Kingdom),1, 2, 14
- Deportation (Kenya), 226
  - (Newfoundland), 79
- Destitute Persons' relief. *See* Social Welfare.
- Diplomatic privileges (United Kingdom), 3
- Disabled Persons,
  - employment (United Kingdom), 5
- Distress for Rent,
  - abolition of (Western Australia), 129
- Divorce (Tonga), 201
- Documents, destruction of (Alberta), 45
- Dogs (Falkland Is.), 231
  - (Orange Free State), 205
- Dower (Manitoba), 53
- Duration of the War,
  - (United Kingdom), 8
- Double Taxation (Canada), 37

- Education. *See also* Teachers.
  - (Alberta), 48
  - basic sciences (Manitoba), 57
  - (British Columbia), 50
  - (Cyprus), 236
  - (Eire), 25
  - forestry (Australia), 84
  - (Gibraltar), 236
  - (Manitoba), 55
  - (Nova Scotia), 62
  - (Orange Free State), 206
  - (Quebec), 69
  - rural schools (New Brunswick), 58
  - (St. Vincent), 234
  - scholarship (St. Lucia), 234

Education—*continued*
  school loan (Nova Scotia), 61
  school units (Saskatchewan), 77
  (Transvaal), 207
  (United Kingdom), 7
Elections. *See* Constituencies, Local Government, Parliamentary Elections.
  (Alberta), 45
  (Australia), 83
  (Cape), 202
  local (New Zealand), 195
  municipal (Western Australia), 137
  (New Brunswick), 59
  petitions (India), 212
  (Queensland), 90
  (Saskatchewan), 73
Electors, registration of,
  (Northern Ireland), 22
  (United Kingdom), 1
  War Service (Canada), 39
Electricity, supply of,
  (Quebec), 70
  (Queensland), 113
  (St. Vincent), 234
Emergency Powers. *See also* Courts (Emergency Powers).
  (British Solomon Is.), 199
  (Gilbert and Ellice Is.), 199
  (India), 208, 210
  (Kenya), 226
  (New Zealand), 198
  (Sudan), 229
Encroachments. *See* Boundaries.
Endowments (Madras), 214
Engine Operators (Nova Scotia), 60
Entertainment, places of (Assam), 220
Entertainment Tax (Australia), 84
  (Orange Free State), 206
  (Trinidad and Tobago), 235
  (Western Australia), 181
Estate Duty (British Guiana), 230
Evidence (Bermuda), 81
  (Manitoba), 53
  (Quebec), 72
Excess Profits (Aden), 223
  (Canada), 37
  (Newfoundland), 80
Excise (Australia), 83
  (St. Vincent), 235
Execution, exemption from,
  (Saskatchewan), 76
Export Credits (Canada), 35
Export Duties (Newfoundland), 79
Eye operations (Central Provinces and Berar), 219

Factories,
  hours (Ontario), 67
  (India), 212
  (Queensland), 105
  (St. Lucia), 233
False Publications (Gambia), 223
Family Allowances. *See* Children.
Family Courts (Quebec), 69
Famine (India), 209
Farms, improvement of (Canada), 28, 29
Feeding Stuffs (South Australia), 118
Finance (Australia), 83
  bounties (Australia), 81
  (Canada), 37
Finance—*continued*
  Commonwealth agreement (Queensland), 98
    (South Australia), 118
  (Eire), 25
  (India), 211, 212
  loans (Northern Ireland), 22
    (United Kingdom), 13
  (New Zealand), 197
  (Northern Ireland), 21
  (South Australia), 118
  State assistance (Australia), 81
  United Kingdom), 13
  War (Canada), 39
    (Cyprus), 238
    (Western Australia), 129
Fires, accidental (Northern Ireland), 17
  bush (Western Australia), 165
  prevention (New Brunswick), 58
Firemen,
  pensions of (United Kingdom), 6
Fire Services,
  (United Kingdom), 2
  (United Provinces), 217
  (Victoria), 124
  (Western Australia), 129, 172
Fish, inspection of (Alberta), 44
Fisheries (Canada), 32
  (Eire), 26
  (Falkland Is.), 232
  herring (Newfoundland), 79
    (United Kingdom), 11
  (Manitoba), 56
  (Nova Scotia), 60
  (Quebec), 72
Floods (Punjab), 217
Food, Native (Kenya), 225
  purity (New Hebrides), 201
    (Tanganyika), 229
  supply (Bombay), 215
Forest (Alberta), 47
  (Assam), 219
  (Somaliland), 228
  (South Australia), 119
Frozen Food Locker Plant. *See* Refrigerator.
Fruit growing,
  (Western Australia), 130
Fur, marketing (Saskatchewan), 77

Game (British Columbia), 50
  (Cape), 203
  (Manitoba), 56
  (Nova Scotia), 64
  (Quebec), 71
Gaming (Victoria), 122
Gas, natural,
  (Alberta), 40
  (British Columbia), 51
George Cross (Malta), 240
Girl Guides (Gambia), 223
Government Supplies,
  (Newfoundland), 79
  (New Hebrides), 201
  (Saskatchewan), 76
  (Western Australia) 188

Habitual Criminal (Queensland), 107
Harbour (St. Vincent), 234
Harbour Dues (Sierra Leone), 224
Health Insurance (Saskatchewan), 74

Herring. *See* Fishery.
Highways (Bihar), 218
  (Isle of Man), 24
  (Manitoba), 52, 56
  (Nova Scotia), 66
  (South Australia), 119
  (Sudan), 230
  traffic (New Hebrides), 201
  (Western Australia), 134, 151, 184
Holidays (New Zealand), 195
  (Saskatchewan), 78
Homes, advances for (South Australia), 117
Horse-racing (Cape), 202
Hospitals (Bihar), 218
  (Manitoba), 52
  maternity (Alberta), 43
  (Nova Scotia), 60
  patients' transfer (Alberta), 46
  (Queensland), 104
Housing. *See also* Homes.
  (Bombay), 215
  (Canada), 34
  co-operative societies (Victoria), 126
  (Newfoundland), 80
  (Northern Ireland), 18
  (Quebec), 72
  (South Australia), 117
  (United Kingdom), 10
  (Western Australia), 161

Immigration (British Solomon Is.), 199
  (Gold Coast), 224
Immovable property, alienation of (Nyasaland), 227
  lease of (Trans-Jordan), 243
Import Duty,
  remission (Bermuda), 81
Income Tax
  (Aden), 223
  (Assam), 220
  (Australia), 84
  (Bengal), 216
  (Bihar), 218
  (British Guiana), 231
  (Canada) 38
  (Eire), 25
  (India), 209, 211
  (Newfoundland), 80
  (St. Lucia), 234
  (Sierra Leone), 224
  (United Kingdom), 13
  (Western Australia) 131, 181
Indemnity, Act of (Bombay), 215
India constitution (United Kingdom), 4
  States of (United Kingdom), 4
Industrial Conciliation (Alberta), 48
  (Queensland), 102, 116
  (Western Australia), 131
Industries development,
  (Northern Ireland), 22
  (Western Australia), 133
Inquests (Tonga), 200
Insane. *See* Mentally Incompetent.
Insurance. *See also* Health Insurance, National Insurance, Unemployment Insurance.
  agents (Newfoundland), 79
  Companies (Canada), 33
    (India), 211
    (Trinidad and Tobago), 235
Insurance—*continued*
  Earthquake (New Zealand), 196
  public property (St. Vincent), 235
  war risks (Trinidad and Tobago), 235
Intestate estates, distribution (New Zealand) 197
Intoxicating Liquors (British Columbia), 50
  (Isle of Man), 24
  (New Hebrides), 201
  (New Zealand), 195
  (Nova Scotia), 63
  (Tonga), 200
  (Trinidad and Tobago), 235
Irrigation (Alberta), 45
  (Bombay), 215
  (Western Australia), 150

Judicature. *See also* Civil Procedure.
  (Bermuda), 80
  (Canada), 31
  family courts (Quebec), 69
  (Gambia), 223
  (Gold Coast), 224
  (Manitoba), 57
  (Nova Scotia), 62
  (Queensland), 102
  (Somaliland), 228
  Supreme Court (St. Vincent), 234
  Surrogate courts (Saskatchewan), 73
  (United Kingdom), 8
Judiciary, death of (British Columbia), 50
  pensions (South Australia), 121
  (Queensland), 102
Jury (Manitoba), 57
  (Western Australia), 181
Justices of the Peace (Fiji), 198
  (Ontario), 67
  (Victoria), 122
  (Western Australia), 181

Labour (Bombay), 215
  employment exchanges (British Guiana), 231
  (Gambia), 224
  native (New Hebrides), 201
    (Nyasaland), 227
  (Ontario), 67, 68
  (Quebec), 71
  (St. Christopher and Nevis), 233
  (Saskatchewan) 75, 78
  wartime regulation (British Columbia), 51
    (New Brunswick), 60
    (Nova Scotia), 61
  welfare (Malta), 240
Land, acquisition of,
    (Cyprus), 236
    (United Kingdom), 11
  compulsory purchase (Cape), 202
  Crown (Kenya), 227
  development (Newfoundland), 79
  drainage (Western Australia), 133
  ejectment from (St. Vincent), 234
  (Kenya), 227
  leases (Western Australia), 164
  municipal areas (Trans-Jordan), 243
  pastoral (South Australia), 120
  recreation (Western Australia), 170
  sale of (Alberta), 45
    (Nova Scotia), 60

Land—*continued*
  settlement of (British Columbia), 51
   (Quebec), 71
   (South Australia), 119
  tax (Bihar), 218
  tenure of (Cyprus), 237
   (Madras), 213
  Valuation (Cape), 204
   (Malta), 240
   (Queensland), 86
Landlord and Tenant (Assam), 219
  (Bihar), 218
  requisitioned property (United Kingdom), 8
  (United Kingdom), 7
Law Officers (United Kingdom), 3
Legal Aid. *See* Poor Prisoners' Defence.
Legal Profession (British Columbia), 50
  (Madras), 213
  (Nova Scotia), 66
  (Ontario), 68
  (Trans-Jordan), 243
Leprosy, control of (Madras), 213
  (Trinidad and Tobago), 236
Liabilities, adjustment (United Kingdom), 9
Licensing. *See also* Intoxicating Liquors.
  (Falkland Is.), 232
  (St. Vincent), 234
  (Western Australia), 134, 153
Local Acts (United Kingdom), 13
Local government (Alberta), 47
  (Bihar), 218
  (Bombay), 215
  (British Columbia), 51
  (Cyprus), 237
  Elections (Bombay), 215
  finance (Saskatchewan), 76
  (Madras), 213
  (Manitoba), 57
  (Nova Scotia), 65, 66
  (Orange Free State), 206
  pig prohibition (Tonga), 201
  rating (Cape), 203
   (Northern Ireland), 19
  revenue (Western Australia), 182
  (South Australia), 121
  (Sudan), 229
  (Western Australia), 137
Lotteries (Bermuda), 80
  (Western Australia), 134

Machinery, inspection of (Western Australia), 133
Malaria (Cyprus), 237
Marine Insurance (India), 211
  (Manitoba), 51
  (New Brunswick), 59
Market (Western Australia), 136
Marriages (Bermuda), 81
  (British Columbia), 51
  desertion (Queensland), 105
  nullity (Quebec), 72
   (Queensland), 105
  (St. Vincent), 234
  (Saskatchewan), 74
  (Sind), 222
  (South Australia), 120
  (Tonga), 200
  (Trinidad and Tobago), 235
  War (United Kingdom), 6
Married Women's Property (Manitoba), 52, 54
Masseurs, Registration (Victoria), 123
Maternity. *See* Midwives, Hospitals.
  benefits (Assam), 220
Maternity allowance. *See* Children.
Meat Exports (Western Australia), 194
Medical Men (Aden), 223
  (Sind), 222
Mentally Incompetent, Asylums for (Nova Scotia), 62
  care of (Manitoba), 58
  estates (Alberta), 46
   (New Brunswick), 59
   (Saskatchewan), 77
   Local authority liability (Manitoba), 57
  treatment (Western Australia), 135
Merchant Shipping (India), 212
Metal, old (St. Vincent), 234
Midwives (Eire), 26
Military Service (Gibraltar), 236
Milk. *See also* Tuberculosis.
  (British Columbia), 50, 51
  (Isle of Man), 23
  (New Zealand), 197
  (Northern Ireland), 16
  (United Kingdom), 12
Minerals. *See also* Aluminium, Alunite.
  (British Columbia), 50
  (Sierra Leone), 225
  taxation (Saskatchewan), 76
Minimum Wage (British Columbia), 51
  (Manitoba), 54
Mining (British Columbia), 50
  (Kenya), 226
  (Newfoundland), 80
  (Nova Scotia), 66
  (Queensland), 116
  (Western Australia), 184
Ministries.
  (Northern Ireland), 19
  Public Welfare (Alberta), 41
  (Saskatchewan), 75
  Social Welfare (Quebec), 71
Moneylending (Assam), 220
  (Western Australia), 137
Moratorium, War (Alberta), 44
Mortgages, interest on (Western Australia), 172, 184
Mothers' Allowances. *See* Children's allowances.
Motor spirit (Western Australia), 184
Motor Vehicles (British Columbia), 49
  (Cape), 204
  insurance (British Columbia), 50
   (Manitoba), 52
   (Queensland), 93
  (Nova Scotia), 62, 64
  (St. Vincent), 234
  (South Australia), 120
  (Western Australia), 153
Museums, employees' pensions (Cape), 203

National Health (Canada), 36
  (Manitoba), 56
  (Saskatchewan), 77
National Insurance,
  pensions (United Kingdom), 6
  (Saskatchewan), 75
  (United Kingdom), 2
  unemployment (United Kingdom), 6
National Gallery, Library and Museum, (Victoria), 125

National Service (India), 209
Native administration (Gold Coast), 224
  (Nyasaland), 227
  (Tanganyika), 228
  (Western Australia), 138
Natural Resources (Saskatchewan), 75
Naval Service. *See* Armed Forces.
Newspapers, registration of (Gambia), 223
Nurses (Assam), 220
  (British Columbia), 50
  (Manitoba), 56
  mental (New Zealand), 195

Observatory (Australia), 84
Oil (Trinidad and Tobago), 235
Old Age Pensions (British Columbia), 49
  (British Guiana), 231
  (Manitoba), 58
  (Nova Scotia), 63
  (Saskatchewan), 75, 77
Orphanages (Bengal), 216
Osteopaths (Manitoba), 58

Parliament, members of, disqualification, (United Kingdom), 2
Parliamentary Elections, postponement of, (United Kingdom), 1
Passenger Boats (St. Vincent), 234
Patents (India), 211
  (Newfoundland), 79
Pensions. *See also* Blind Persons, Museums, Old Age.
  Arab Legion (Trans-Jordan), 243
  (Australia), 84
  (British Guiana), 231
  (Gambia), 223
  (Isle of Man), 23
  (Malta), 242
  orphans' (Malta), 239
  (Sierra Leone), 224
  teachers' (Cape), 203
    (Natal), 204
  (Transvaal), 207
  widows (Malta), 239
Pests (Queensland), 94
Pharmaceutical Benefits. *See also* Health Insurance.
  Australia, 83
Pharmacy (Nova Scotia), 62
Physical Fitness (British Columbia), 49
  (Manitoba), 56
  (Saskatchewan), 74
Pig industry (Western Australia), 189
Plant Diseases (Falkland Is.), 232
  (Western Australia), 139
Police (British Columbia), 50
  fees (Nova Scotia), 64
  pensions of (United Kingdom), 6
Poor Prisoners' Defence (New Brunswick), 58
Ports (Sierra Leone), 224
Post and Telegraph (New Zealand), 196
Potato growers, licensing (Western Australia), 139
Predator Control (Manitoba), 55
Price Control. *See* Profiteering.
Prisoners (Quebec), 69
  female (Nova Scotia), 61
Prisons (Malta), 240
  (Tanganyika), 229
Prize (United Kingdom), 4
Probation Officers (Gold Coast), 224
  (Queensland), 108
  (St. Lucia), 234
Profiteering (India), 209
  (Western Australia), 140
Provident Fund (Tanganyika), 229
Public Authorities, postponement of elections (Western Australia), 191
  water boards (Western Australia), 157, 191
Public Health. *See also* Hospitals, Physical Fitness, Venereal Disease.
  (Antigua), 233
  (British Columbia), 57
  (Gibraltar), 236
  (India), 209
  (Malta), 240
  (Manitoba), 52, 56
  (Natal), 205
  (Nova Scotia), 65
  (Queensland), 105
Public Libraries. *See also* National Library.
  (British Columbia), 49
  (Falkland Is.), 232
Public Order (New Hebrides), 201
Public Service. *See* Civil Service.
Public Trustee (Western Australia), 140
Public Works (Manitoba), 56, 58
  (South Australia), 120

Radio. *See* Broadcasting.
Racial discrimination (Ontario), 68
Railways (Canada), 33
  (New Zealand), 194
  Thefts (India), 208
Real Property (Manitoba), 53
Reconstruction (Canada), 34
  Fund (Saskatchewan), 76
  (Saskatchewan), 73
Re-establishment (Canada), 36
  vocational training (British Columbia), 50
Reformatory (Malta), 241
  (Nova Scotia), 61
Refrigerator plant (Alberta), 44
  (Manitoba), 56
Registration of Firms. *See* Business Names.
Rent Restriction (Bombay), 215
  (Cyprus), 236
  (India), 208
  (Malta), 242
  (Northern Ireland), 17
  (Nyasaland), 227
  (St. Lucia), 233
  sleeping accommodation (Trinidad and Tobago), 235
  (Sudan), 230
  (Trinidad and Tobago), 235
  (Western Australia), 131
Road. *See also* Highways.
Road districts (Western Australia), 153, 192
Rule against perpetuities (Western Australia), 134
Rural advances. *See* Agriculture.

Sales Tax (Australia), 85
  (Bihar), 218
Savings Bank (Canada), 30
Savings Certificates (India), 209
Sawmills, Licensing (Trinidad and Tobago), 236
Sedition (New Hebrides), 201
Service charges (Trinidad and Tobago), 235

Sewage (British Columbia), 50
  (Western Australia), 136
Shop Hours (British Guiana), 230
Soap (British Guiana), 231
Social Welfare (Bengal), 216
  (Malta), 240
  (Quebec), 71
  (Queensland), 93
  (Saskatchewan), 77
Solicitors. *See* Legal Profession.
Stamp Duty (Orissa), 221
  (South Australia), 120
  (Trans-Jordan), 243
  (Western Australia), 153, 193
Statute Law Revision (Alberta), 40
  (Fiji), 198
  (New Zealand), 196, 197
  (United Kingdom), 1
Statutory Instruments. *See* Delegated legislation.
Succession Duty (Alberta), 47
  (British Columbia), 49
  (Canada), 37
  (Malta), 240
  (Manitoba), 58
  (Nova Scotia), 61
Sugar (India), 209
Surplus Crown Assets (Canada), 35

Taxation. *See also* Double Taxation.
  (Australia), 84
  (British Guiana), 231
  exempt from (British Columbia), 50
  hospital (Quebec), 70
  import (Tonga), 200
  (India), 209
  local government (Bihar), 218
  Moslem (Trans-Jordan), 243
  (St. Vincent), 235
  sales (Madras), 214
  (Saskatchewan), 76
  Security (Quebec), 70
  war time exemption (Alberta), 45
  wheel (Orange Free State), 206
Teachers (New Brunswick), 59
  superannuation (Northern Ireland), 20
    (Orange Free State), 206
    (St. Vincent), 234
    (Sierre Leone), 225
Textile Products. *See* Trade Description.
  licensing (Falkland Is.), 232
Tobacco, tax on (Madras), 214
Town and Country Planning,
  (Northern Ireland), 15
  (Sind), 222
  (United Kingdom), 11
  (Victoria), 125
Trade Boards (Northern Ireland), 19
Trade descriptions (Queensland), 105
  (South Australia), 121
  (Victoria), 123
Trade disputes (Trinidad and Tobago), 235
Trade Unions (Nyasaland), 227
  (Saskatchewan), 78
  (Sierra Leone), 225
  (Somaliland), 228
Traders, licences (Somaliland), 228
Traffic. *See* Motor Vehicles.
Tramways. *See* Clogher Valley Railway.
Transport. *See also* Railways, Tramways.
  (Eire), 26
Travel Bureaux (Manitoba), 56
Trustees (British Columbia), 50
  Company (Victoria), 124
  (Manitoba), 54
  (New Brunswick), 59
  (Saskatchewan), 73
Tuberculosis (Alberta), 48
  animal (Queensland), 103
  sanatorium (Madras), 214

Unemployment Insurance (Australia), 85
  (Northern Ireland), 21
  (Queensland), 94
United Nations Relief and Rehabilitation
  (Australia), 83
  (Canada), 35
  (New Zealand), 197
United States, agreement with (Bermuda), 80
Universities (Bihar), 218
  (Madras), 214
  (Orissa), 221

Venereal Diseases (New Brunswick), 59
  (Newfoundland), 80
  (Nova Scotia), 65
  (Western Australia), 180
Vermin (Western Australia), 193
Vessels, registration of (Trans-Jordan), 243
Veterans' Insurance (Canada), 36
  land settlement (British Columbia), 51
Veterinary assistance (Nova Scotia), 60
  students (Manitoba), 54
Vital Statistics (Alberta), 46
  (British Columbia), 51
Vocational Training. *See* Re-establishment.

Wages, payment of (Newfoundland), 79
War. *See also* Duration.
  damage (Malta), 238
War Stores. *See* Surplus Crown Assets.
Water Boards. *See* Public Authorities.
Water rights (British Columbia), 50
Water Supply,
  (Bihar), 218
  Gold fields (Western Australia), 179
  (India), 212
  (Kenya), 226
  (Sind), 222
  (United Kingdom), 10
  (Victoria), 123
  (Western Australia), 136, 150
  underground (Malta), 240
Weights and Measures,
  (Orissa), 221
  (South Australia), 121
  (Western Australia), 158
Wheat (Australia), 86
Wills (Cyprus), 237
  (Western Australia), 159
Woman Suffrage (Bermuda), 80
Workmen's Compensation
  (Australia), 84
  (Isle of Man), 23
  (Nova Scotia), 65
  (Nyasaland), 227
  (Queensland), 101
  (Saskatchewan), 75
  (South Australia), 122
  (Western Australia), 159

Youth Welfare (Isle of Man), 23
  (Northern Ireland), 15